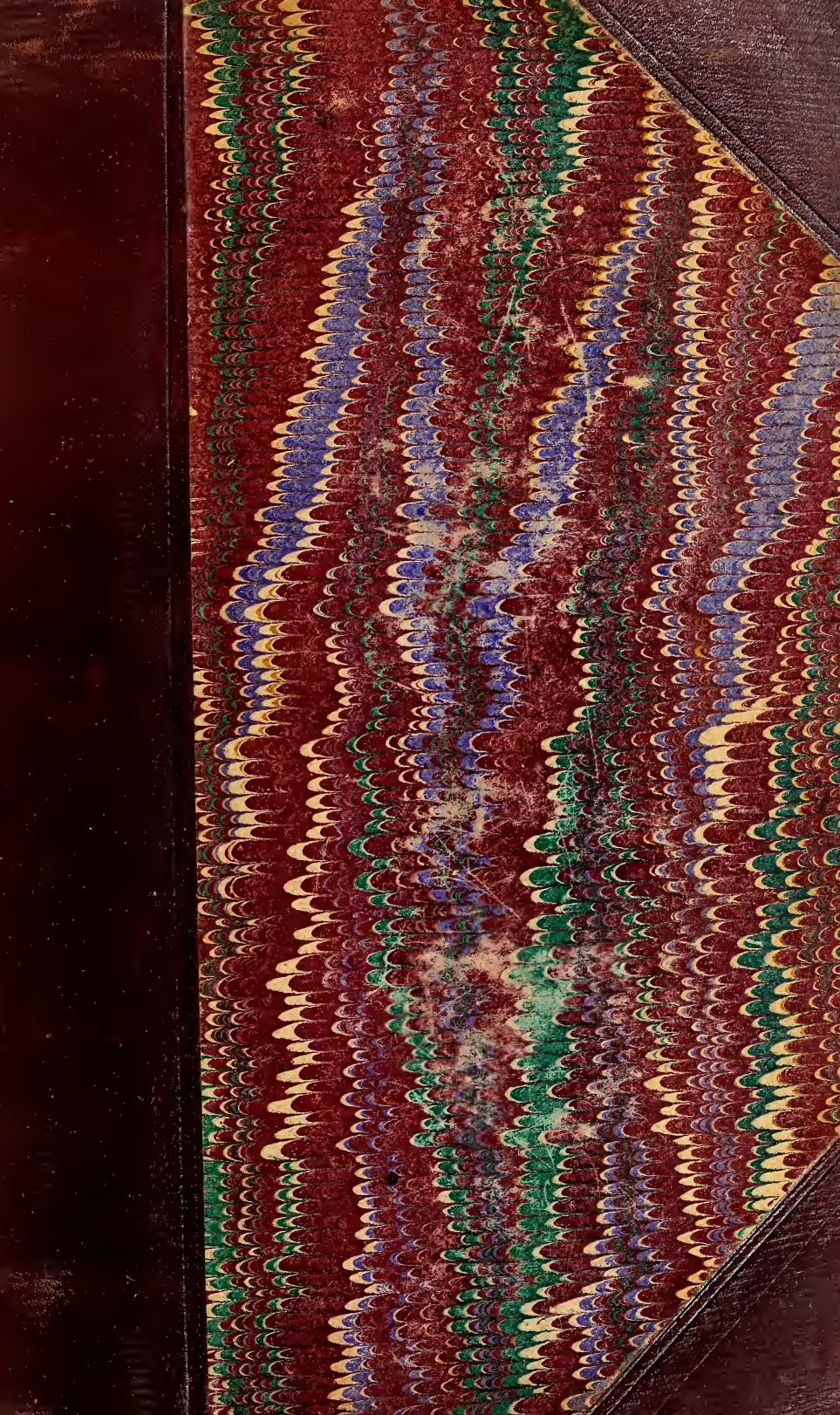


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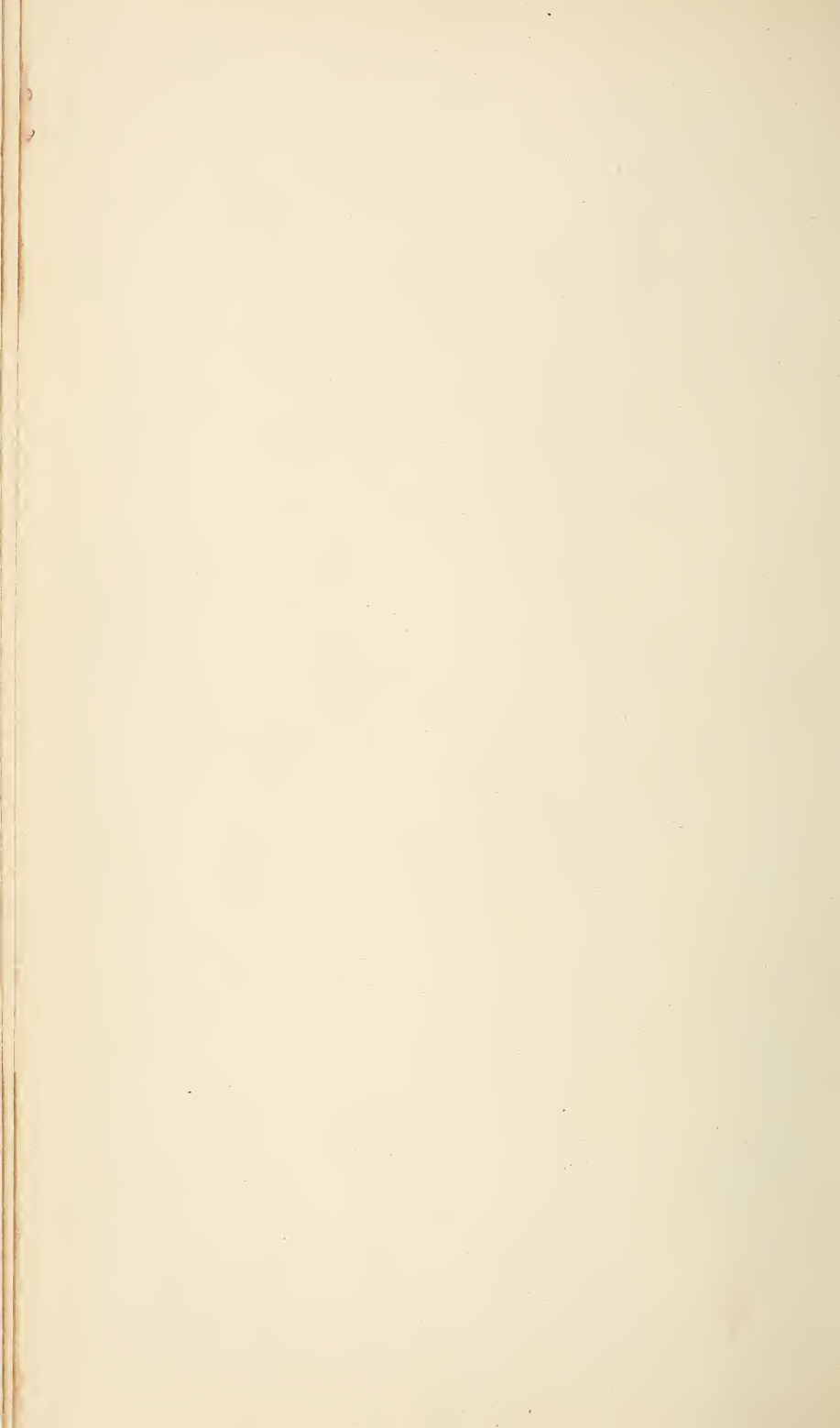


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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1251.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF BERRY HILL MINERAL WATER.

On February 23, 1910, the United States Attorney for the Eastern District of Virginia, acting upon the report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Berry Hill Mineral Spring Co., of Virginia, a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about August 16, 1909, from the State of Virginia into the District of Columbia of a quantity of mineral water which was adulterated. The product was labeled: "Berry Hill Spring Co., Elkwood, Va."

Examination of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Bacteria per cc on plain agar after 4 days at 25° C=6,500 and 8,000; bacteria per cc on plain agar after 4 days at 37° C=5,000 and 8,000; gas formation in both of two samples in 0.01 cc; colon group isolated in one of two samples. Adulteration was alleged in the information for the reason that the product consisted in part of filthy, decomposed, and putrid animal or vegetable substances, and contained deleterious and injurious ingredients which might render it injurious to health.

On July 3, 1911, the defendant pleaded guilty and was fined \$25.

JAMES WILSON,

Secretary of Agriculture.

WASHINGTON, D. C., *December 14, 1911.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1252.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VINEGAR.

On January 12, 1910, the United States Attorney for the Eastern District of Virginia, acting upon the report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Southern Cider and Vinegar Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about November 13, 1907, from the State of Virginia into the State of North Carolina of a half barrel of vinegar which was adulterated and misbranded. The product was labeled: "E. Peterson Company, Trade Mark. Crescent Brand Vinegar, Washington, North Carolina."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Polarization, $+0.2^{\circ}$; total acidity as acetic (grams per 100 cc), 3.7; solids (grams per 100 cc), 0.45; total ash (expressed as grams per 100 cc), 0.04; soluble ash (grams per 100 cc), 0.024; alkalinity of soluble ash (cc N/10 HCl per 100 cc), 2.0; alkalinity of insoluble ash (cc N/10 HCl per 100 cc), 4.0; phosphates in soluble ash, none; phosphates in insoluble ash (mg P_2O_5 per 100 cc), 2.0; with PbAc: no precipitate nor turbidity; fixed acids as malic (grams per 100 cc), 0.011; reducing sugars as dextrose (after inversion), grams per 100 cc, 0.136; color removed by fuller's earth 88 per cent; contained caramel, and not over 5 mg per liter of salicylic acid. Adulteration was alleged for the reason that a substance, to wit, caramel coloring matter, had been mixed and packed with the product whereby its damage and inferiority were concealed, and salicylic acid had been added thereto, thereby rendering said article injurious to health. Misbranding was alleged for the reason that the product was labeled "Crescent Brand Vinegar,"

which would lead the purchaser to believe that it was made from cider; when, in fact, it was a distilled vinegar, artificially colored with caramel and preserved with salicylic acid; and, further, because it was an imitation of and had been sold under the distinctive name of another article, to wit, vinegar.

On June 8, 1911, the defendant pleaded guilty and was fined \$25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 14, 1911.*

1252



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1253.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF HERRING.

On June 1, 1911, the United States Attorney for the Eastern District of Virginia, acting upon the report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against J. H. Crilly, alleging shipment by him, in violation of the Food and Drugs Act, on or about December 14, 1909, from the State of Virginia into the District of Columbia of a quantity of herring which was adulterated.

Examination of a sample of said herring, made by the Bureau of Chemistry of the United States Department of Agriculture, showed that they were rusty looking and infested with insects and wholly unfit for human food. Adulteration was alleged for the reason that the product consisted in part of a filthy, decomposed, and putrid animal substance.

On July 3, 1911, the defendant pleaded guilty and was fined \$25.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 15, 1911.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1254.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CRACKED CORN.

On March 11, 1911, the United States Attorney for the Eastern District of Virginia, acting upon the report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against S. D. Scott & Co. (Inc.), alleging shipment by it, in violation of the Food and Drugs Act, on or about February 8, 1909, from the State of Virginia into the State of North Carolina of a quantity of cracked corn which was misbranded. The product was labeled: "Cracked Corn. 80 lbs. Guaranteed Analysis 10% Protein, 4% Fat, 4% Fiber. Mfg. by S. D. Scott & Co., Norfolk, Va."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Moisture, 12.14 per cent; ether extract, 3.10 per cent; protein, 8.25 per cent; crude fiber, 1.93 per cent. Misbranding was alleged for the reason that the product was labeled so as to deceive and mislead the purchaser in that the label bore statements that were false and misleading, to wit, that the product contained 10 per cent protein and 4 per cent fat; when, in fact, it contained less protein and fat than that stated on the label.

On June 8, 1911, the defendant pleaded guilty and was fined \$25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 16, 1911.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1255.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF GIN.

On March 28, 1911, the United States Attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against Straus, Gunst & Co., alleging shipment by them, in violation of the Food and Drugs Act, on or about April 17, 1909, from the State of Virginia into the District of Columbia of a quantity of gin which was misbranded. The product was labeled: "Turkey Gin. Triple Flavor Holland Style. Highly recommended for kidneys and bladder. Blend. Guaranteed under National Pure Food Law. Straus, Gunst & Co., Richmond, Va." (Blown in bottle) "Turkey Gin. For medicinal use. Straus, Gunst & Co., Richmond, Va."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Per cent by weight: Alcohol, 38.78 (by volume, 46.50); sucrose, 2.90; invert sugar, 0.05; non-volatile matter at 100° C. other than sugar, 0.13; water and other volatile constituents, 58.14. Misbranding was alleged for the reason that the statement on the label "Highly recommended for kidneys and bladder" was false and misleading, in that it tended to produce in the mind of the purchaser or user the belief that the article would have a beneficial action on the organs named when, in fact, its use is detrimental to those organs.

On April 15, 1911, the defendants pleaded guilty and were fined \$25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 16, 1911.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1256.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF EVAPORATED APPLES.

On March 28, 1911, the United States Attorney for the Eastern District of Virginia, acting upon the report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Wallerstein Produce Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about October 9, 1909, from the State of Virginia into the State of Ohio of a quantity of evaporated apples which were adulterated and misbranded. The product was labeled: "Dime Brand Choice Evaporated Apples. Packed by Wallerstein Produce Co., Richmond, Va."

Examination of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the product to be composed of pieces, skins, and cores, and an excessive amount of apple waste, molds, seeds, rot, and filth from the mill. Adulteration was alleged for the reason that the product consisted in large part of filthy vegetable substances, as shown by the aforesaid analysis. Misbranding was alleged for the reason that the product was labeled "Dime Brand Choice Evaporated Apples," which statement was false and misleading, in that it represented the product to be made from choice apples, when in fact it was composed of pieces, skins, and cores of apples and apple waste.

On April 15, 1911, the defendant pleaded guilty and was fined \$25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 18, 1911.*

Issued February 24, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1257.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF PEPPER.

On March 28, 1911, the United States Attorney for the Eastern District of Virginia, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Cobb Manufacturing Co. (Inc.), a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about November 22, 1909, from the State of Virginia into the State of North Carolina of a quantity of pepper which was adulterated and misbranded. The product was labeled: "Compound Penny Pepper Manufactured only by The Cobb Mfg. Co. Richmond, Va."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Ash, total, 24.97 per cent; ash insoluble in HCl, 15.04 per cent; non-volatile ether extract, 6.19 per cent; crude fiber, 14.80 per cent. Microscopic examination, pepper shells, sand. Adulteration was alleged against said product for the reason that there had been mixed and packed with said product ground pepper, ground pepper shells, and dirt so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the label represented the product to be a compound pepper, when in fact it contained ground shells and dirt, and the representations on the label were therefore false and misleading.

On April 15, 1911, the defendant pleaded guilty and was fined \$25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 18, 1911.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1258.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF VINEGAR.

On November 26, 1909, the United States Attorney for the District of Kansas, acting upon a report of S. J. Crumbine, secretary of the State Board of Health of the State of Kansas, and as such commissioned by the Secretary of Agriculture to cooperate in the collection of samples under the Food and Drugs Act of June 30, 1906, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 78 casks of vinegar in the possession of the Wichita Vinegar Works. The product was labeled: "Warranted Cider Vinegar." The libel alleged that the vinegar, after shipment by the Robinson Cider Vinegar Co., of Benton Harbor, Mich., from the State of Michigan into the State of Kansas, remained in the original unbroken packages, and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. The libel charged misbranding of the product in words and figures as follows: "That each of said 78 casks of so-called vinegar is misbranded in that each of said casks instead of containing cider vinegar contains, and at all times herein mentioned did contain so-called vinegar, the same not being cider vinegar, the same not being made wholly and entirely from the product of apples, but containing less than twenty-five one-hundredths gram of apples ash in 100 cubic centimeters, and less than 30 cubic centimeters of decinormal acid to neutralize the alkalinity of said contents of said casks, said so-called vinegar being in the respects above set forth below and different from a standard of purity for apple cider lawfully required by the Secretary of Agriculture under and by virtue of Circular No. 19, lawfully promulgated by the Secretary of Agriculture of the United States June 26, 1906, and in full and lawful force and effect at all of the times herein mentioned."

On September 16, 1909, the case coming on to be heard and the Robinson Cider Vinegar Co. having appeared as claimant, and filed

answer to the libel, the court entered an order that upon the payment of all the costs of the proceeding, and the giving of a bond by the claimant in the sum of \$1,000, conditioned that said product should not be sold or otherwise disposed of contrary to law, the same should be released and surrendered to the said Robinson Cider Vinegar Co.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 19, 1911.*

1258



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1259.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF MILK AND CREAM.

On March 2, 1911, the United States Attorney for the District of Kentucky, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against George B. Moock and Charles Braun, alleging shipment by them, in violation of the Food and Drugs Act, on or about June 14, 1910, from the State of Kentucky into the State of Ohio of quantities of milk and cream which were adulterated and misbranded. The products were labeled: (I. S. No. 459-b) "10 gal. can for Moore Bros., Vine St., Cincinnati." (I. S. No. 21194-b) "George B. Moock Pure Aerated Milk, Newport, Ky." (I. S. No. 21197-b) "George B. Moock, Newport, Ky."

An examination of samples of said products made by the Bureau of Chemistry of the United States Department of Agriculture showed a number of organisms per cubic centimeter developing after two days, averaging from 21,000,000 to 360,000,000 on plain agar; 52,000,000 to 11,000,000 on litmus agar; number of *B. coli* from 100,000 to 1,000,000. Adulteration was alleged against these products for the reason that they consisted in whole or in part of a filthy, decomposed, or putrid animal substance. Misbranding was alleged because said products were represented on the labels to be "Pure Aerated Milk and Cream" when in fact they were not such, but were filthy and decomposed products containing excessive numbers of bacteria and because said products were contaminated and unfit for human consumption.

On April 4, 1911, the defendants pleaded guilty and on April 13, 1911, the court imposed a fine of \$50 and costs against George B. Moock, and a fine of \$10 and costs against Charles Braun.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 19, 1911.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1260.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF HERRING.

On August 19, 1911, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 20 packages of herring on the wharves of the Pennsylvania Railroad at Philadelphia, consigned to Perlman & Davis, of that city. The product bore no label other than the name and address of the consignee. Examination of two boxes of said product, marked "A" and "B," respectively, made by the analysts of the Bureau of Chemistry of the United States Department of Agriculture, showed the following results:

Bucket A. Fish were soft and considerably broken, and were in a turbid liquor. They were so tender as to be easily torn apart on handling. Odor foul and very offensive. Fish are putrid and rotten.

Bucket B. Sample in a soft and semi-fluid condition, the fish being very badly broken up. Odor foul and putrid and offensive in the extreme.

Bucket A. Soft, broken, ill-smelling and very disgusting in appearance.

Bucket B. Appearance, completely decomposed, rotten.

The libel alleged that the herring, after transportation from the State of New York into the State of Pennsylvania, remained in the original unbroken packages and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because said product consisted in whole or in part of a filthy, putrid, and decomposed animal substance, and was therefore liable to seizure for confiscation.

On October 6, 1911, the case coming on for hearing, the court entered a decree finding the product adulterated as alleged in the libel, and condemning and forfeiting it to the United States and ordering its destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 19, 1911.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1261.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO PULP.

On October 6, 1911, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Phillips Packing Co., alleging shipment by them, in violation of the Food and Drugs Act of June 30, 1906, on or about November 12, 1910, from the State of Maryland into the State of West Virginia of 100 barrels of tomato pulp which was adulterated. The product was labeled: "Tomato Pulp made from waste from Tomato Skins. Packed by Phillips Packing Company, Cambridge, Maryland. This package contains 6 oz. Benzoate of Soda."

Examination of two samples of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: (I. S. 9951-c) Yeasts and spores 31 per one-sixtieth cmm. Bacteria numerous, 200,000,000 per cc. Molds in 90 per cent of the fields. (I. S. 9956-c) Yeasts and spores 64 per one-sixtieth cmm. Bacteria 200,000,000 per cc. Molds in 70 per cent of the fields. Adulteration was alleged against said product for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance as shown by the aforesaid examination.

On October 6, 1911, the defendant pleaded guilty and was fined \$10.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 19, 1911.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1262.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF PEACHES.

On October 10, 1911, the United States Attorney for the Eastern District of North Carolina, acting upon a report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against A. B. Seeley & Son, alleging shipment by them, in violation of the Food and Drugs Act, on or about December 30, 1910, from the State of North Carolina into the State of Maryland of a quantity of peaches which were adulterated. The peaches were labeled: "Oro Brand Peaches Packed by California Fruit Cannery Association at San Jose, California." "Honey Suckle Brand Peaches Packed by California Fruit Cannery Association at San Jose, California."

Samples of said product numbered I. S. Nos. 9989-c and 9990-c, respectively, were examined by the Bureau of Chemistry of the United States Department of Agriculture with the following results:

	Grams.	Per cent.
9989-c:		
Passable -----	74	10.9
Worms -----	38	5.6
Excreta and sugar mites -----	413	60.9
Excreta -----	153	22.5
	678	99.9
7 live worms; 7 beetles.		
9990-c:		
Passable -----	106	17.5
Wormy -----	115	19.0
Sugar mites and excreta -----	157	25.9
Excreta -----	226	37.4
	604	99.8
13 live worms; 4 beetles.		

Adulteration was alleged against the peaches for the reason that they consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 11, 1911, the defendants pleaded guilty and were fined \$25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., December 19, 1911.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1263.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF PEANUTS.

On April 3, 1911, the United States Attorney for the Eastern District of North Carolina, acting upon a report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Edenton Peanut Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about October 4, 1910, from the State of North Carolina into the State of Pennsylvania of a quantity of peanuts which were adulterated. One lot of said peanuts was labeled: "No. 2 Virginia Shelled Peanuts." Another lot was labeled: "No. 3 Virginia Shelled Peanuts."

Examination by the Bureau of Chemistry of the United States Department of Agriculture of samples of said products showed the following results:

I. S. 3362-c (No. 2 Virginia shelled peanuts) :		Per cent.
Passable	-----	74.8
Worm-eaten	-----	22.8
Shriveled and decayed	-----	2.0
Sticks, stones, unshelled peanuts	-----	.4
I. S. No. 3363-c (No. 3 Virginia shelled peanuts) :		
More or less shriveled. Bad looking sample.		
Passable	-----	65.0
Worm-eaten	-----	27.0
Decayed	-----	3.6
Foreign seeds	-----	1.7
Sticks and stones	-----	2.7

Adulteration was alleged for the reason that said peanuts consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 11, 1911, the defendant entered a plea of nolo contendere and judgment was suspended upon the payment of the costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 21, 1911.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1264.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF LEMON FLAVOR.

On December 4, 1909, the grand jurors of the United States within and for the Northern District of California, on presentation by the United States Attorney for said district, acting upon a report of the Secretary of Agriculture, returned an indictment to the United States District Court for said district against Merten & Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about September 28, 1907, from the State of California into the State of Montana of a quantity of flavoring product which was misbranded. The product was labeled: "Merten and Company's Pure Concentrated Flavor—Lemon. Merten and Company, San Francisco."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results:

Specific gravity-----	0.8973
Extract-----	.072
Lemon oil, precipitation (per cent)-----	.85
Lemon oil, polarization (per cent)-----	.90
Citral-----	.043
Color: turmeric-----	none.
Naphthol Yellow S (allowed dye): present.	

Misbranding was charged in the indictment against said product in form and substance as follows: In that said so-called pure concentrated lemon did not contain a sufficient quantity of extract of lemon to make it a real extract of lemon, but was in fact largely diluted, and was artificially colored to give it the appearance of a genuine extract of lemon, and the label contains no statement showing that said so-called extract of lemon was artificially colored with coal-tar dye, and said so-called extract of lemon contained only 0.85 of 1 per cent of lemon oil, when it should contain 5 per cent of lemon oil to constitute it a lemon extract or commodity recognized as genuine lemon extract.

On October 31, 1911, the defendant was arraigned and pleaded guilty and was fined \$100.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 21, 1911.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1265.

(Given pursuant to section 4 of the Food and Drugs Act.)

ALLEGED MISBRANDING OF GRANT'S HYGIENIC CRACKERS.

On November 4, 1910, the grand jurors of the United States within and for the Northern District of California, after presentation by the United States Attorney upon a report of the Secretary of Agriculture, returned an indictment to the United States District Court for said district against the Hygienic Health Food Co. (Inc.), alleging shipment by it, in violation of the Food and Drugs Act, on or about June 15, 1909, from the State of California into the State of Texas of 5 cases of crackers which were alleged to be misbranded. The product was labeled: "Sold in Packages only Grant's Hygienic Crackers No predigested stuff are they But solid food for work or play Just read what leading doctors say of Grant's Hygienic Crackers. For Constipation, Indigestion, Dyspepsia and Sour Stomach. Ideal food for general family use A daily regulator A week's trial will convince you Eaten daily in the place of bread will keep the system in perfect order. Recommended & prescribed by leading physicians & dentists. Manufactured by The Hygienic Health Food Co. Inc. Berkeley, Cal. Sold in Packages only."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results:

	Per cent.
Moisture	10.48
Protein (6.25×N)	10.18
Crude fibre	1.39
Fat	3.50
Ash	1.70
Non-nitrogenous extract by difference	72.75

It consists largely of wheat. An abundance of bran tissues present as in graham flour.

Misbranding was alleged for the reason that the label bore statements concerning the ingredients of said product and claimed therapeutic properties therein for the cure of the diseases mentioned in said label, which statements were false and misleading, and calcu-

lated to mislead and deceive the purchaser, because said product was not possessed of the therapeutic properties claimed for it. The Hygienic Health Food Co. (Inc.) filed a demurrer to the indictment on the ground that it did not state an offense under section 8 of the aforesaid act. The court, in sustaining the demurrer, rendered the following opinion:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT
OF CALIFORNIA.

THE UNITED STATES OF AMERICA	} No. 4833.
vs.	
HYGIENIC HEALTH FOOD Co., INC., <i>Defendant.</i>	

DE HAVEN, District Judge.

The indictment charges that the defendant upon a date named, shipped from the Northern District of California, to one J. P. Watson, at El Paso, Texas, "five cases, labeled, 'Grant's Hygienic Crackers', which were then and there intended as an article of food. That each package in each case was then and there mis-branded under the provisions of the Food and Drug Act of June 30, 1906, section eight thereof, in that it contained false and misleading statements, for the following reasons: The label on each package in each of the five cases aforesaid bore the following inscription: 'Sold in Packages only Grant's Hygienic Crackers No predigested stuff are they But solid food for work or play Just read what leading doctors say of Grant's Hygienic Crackers for Constipation, Indigestion, Dyspepsia and Sour Stomach. Ideal food for general family use A daily regulator A week's trial will convince you Eaten daily in place of bread will keep the system in perfect order. Recommended & prescribed by leading physicians & dentists. Manufactured by the Hygienic Health Food Co., Inc., Berkeley, Cal. Sold in Packages only.'"

The indictment then charges "that whereas in truth and in fact, the said so-called Hygienic Crackers consist largely of wheat and do not, and did not contain any ingredients possessing therapeutic properties for the cure of such diseases as are mentioned in the aforesaid label, other than those possessed by ordinary wheat, and the said statements are calculated to mislead the purchaser into the belief that the said crackers are in fact possessed of rare medicinal properties unwarranted by the composition of the said crackers."

The defendant has demurred to this indictment upon the ground that it does not state an offense under section 8 of the act of June 30, 1906, and I am of the opinion that the demurrer must be sustained.

Subdivision 4 of section 8, of the act referred to in the indictment provides that an article of food shall be deemed to be misbranded "if the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular; Provided, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First: In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced."

I think the indictment may be fairly construed as alleging that the packages therein mentioned contained articles of food known as Grant's Hygienic Crackers, and there is no averment that such described crackers contained any poison or deleterious ingredient; and in my opinion such an averment is necessary to charge an offense where the label upon the package containing an article of food states where it was manufactured or produced, and describes such food by its own distinctive name without stating the ingredients of which such article of food is composed.

The demurrer is sustained.

Decisions of the United States District Courts adverse to the Government will not be accepted as final until acquiescence shall have been published.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 22, 1911.*

1265



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1266.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF LEMON EXTRACT.

On September 8, 1911, the United States Attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Horton-Cato Manufacturing Co., a corporation, Detroit, Mich., alleging shipment by it, in violation of the Food and Drugs Act, on or about March 8, 1911, from the State of Michigan into the State of Georgia of a quantity of lemon extract which was adulterated and misbranded. The product was labeled: "Pure Extract Lemon. Mnfg. by the Horton-Cato Mfg. Co., Detroit, Mich. * * *"

Analysis of three different samples of said extract, designated "A", "B" and "C", made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results:

	Per cent.
A. Total solids-----	1.72
Sugar -----	1.65
Citral (Hiltner)-----	.20
Lemon oil, by precipitation-----	4.5
Lemon oil, by polarization-----	4.5
Alcohol, by volume-----	59.60
Refractive index, lemon oil at 25° C-----	1.4720
B. Total solids-----	2.56
Sugar -----	2.53
Citral (Hiltner)-----	.055
Lemon oil, by precipitation-----	None.
Lemon oil, by polarization-----	None.
C. Total solids-----	.08
Citral (Hiltner)-----	.10
Lemon oil, by precipitation-----	.40
Lemon oil, by polarization-----	.40
Alcohol, by volume-----	44.16
Methyl alcohol, refractometer-----	None.

All colored with Tartrazin—S. & J. No. 94.

Of 12 bottles, but 2 were of type A.

Adulteration was alleged for the reason that said product was not a pure extract of lemon, as a substance, to wit, a highly dilute terpeneless extract of lemon, had been mixed and packed with it in such a manner as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part therefor, and further because said product had been colored in a manner whereby its inferiority was concealed. Misbranding was alleged because the label represented the product as a pure extract lemon when in fact it was not such, but was a highly dilute terpeneless extract of lemon colored so as to conceal its inferiority, and the representation on the label was therefore false and misleading and calculated to deceive and mislead the purchaser.

On October 14, 1911, the defendant pleaded *nolo contendere* and sentence was suspended by the court.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 29, 1911.*

1266



Issued February 24, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1267.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO PULP.

On October 6, 1911, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Hearn Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about October 6, 1910, from the State of Maryland into the State of Pennsylvania of 10 barrels of tomato pulp which was adulterated. The product was labeled: "Tomato Pulp. Packed by The Hearn Co., Cambridge, Md. This package contains 6 oz. Benzoate Soda."

Examination of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed it to contain yeasts and spores at the rate of 80 per one-sixtieth cmm., with numerous bacteria estimated at 120,000,000 per cc., molds being present in practically 100 per cent of the fields. Adulteration was alleged because said product consisted in part of a filthy, decomposed, and putrid vegetable substance, as shown by the afore-said analysis.

On October 6, 1911, the defendant pleaded guilty and was fined \$10.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 5, 1912.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1268.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO PULP.

On October 6, 1911, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against Charles G. Summers & Co. (Inc.), Baltimore, Md., alleging shipment by it, in violation of the Food and Drugs Act, on or about November 30, 1910, from the State of Maryland into the State of Kentucky of 200 cases of tomato pulp which was adulterated. The product was labeled: "4 Dozen No. 1 Conqueror Brand Tomato Pulp. Chas. G. Summers & Co., Incorporated, Jessup, Md." (Stencil) "Chas. G. Summers, Jessup, Md., Waking, Louisville, Ky." (On can) "Conqueror Brand Tomato Pulp for soup; Farms and Factory, Jessup, Md. Office, Baltimore, Md. (Guaranty Legend) Serial No. 16559. Tomato Pulp for soup. Conqueror Brand. Trade Mark Registered. Charles G. Summers & Co., Canners, Distributers, Baltimore, Md."

Examination of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed it to contain yeasts and spores at the rate of 45 per one-sixtieth cmm., bacteria, 500,000,000 per cc., with mold filaments in 56 per cent of the microscopic fields examined. Adulteration was alleged for the reason that the product consisted in part of a filthy, decomposed, and putrid vegetable substance, as shown by the aforesaid analysis.

On October 6, 1911, the defendant pleaded guilty and was fined \$10.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 6, 1912.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1269.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CATSUP.

On October 6, 1911, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Atlas Preserving Co., a corporation, Baltimore, Md., alleging shipment by it, in violation of the Food and Drugs Act, on or about November 10, 1910, from the State of Maryland into the District of Columbia of 10 barrels of catsup which was adulterated. The product was labeled: "Dixie Catsup—48— $\frac{1}{5}$ of 1% Benzoate Soda. * * * M. E. Horton, Wash., D. C. 48-68634-11-11."

Examination of a sample of said product by the Bureau of Chemistry of the United States Department of Agriculture showed it to contain yeasts and spores in the proportion of 55 per one-sixtieth cmm., bacteria 160,000,000 per cc., molds in 78 per cent of the microscopic fields examined, and to be practically sterile. Adulteration was alleged for the reason that said product consisted in part of a filthy, decomposed, and putrid vegetable substance as shown by the afore-said analysis.

On October 6, 1911, the defendant pleaded guilty and was fined \$5.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 6, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1270.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO PULP.

On October 6, 1911, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Torsch Packing Co., a corporation, Baltimore, Md., alleging shipment by it, in violation of the Food and Drugs Act, on or about November 17, 1910, from the State of Maryland into the State of Illinois of 100 cases of tomato pulp which was adulterated. The product was labeled: "Peerless Brand (cut of tomato) for soup. Made from tomatoes and tomato trimmings—Tomato pulp. Packed by Torsch Packing Co., Baltimore, Md., and Milford, Del., U. S. A. Peerless Brand—They are Peerless in name, quality and flavor."

Examination of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed it to contain bacteria 5,000,000 per cc., yeasts and spores 19 per one-sixtieth cmm., with mold filaments present in 90 per cent of the microscopic fields examined. Adulteration was alleged against said product because it consisted in part of a filthy, decomposed, and putrid vegetable substance as shown by the aforesaid analysis.

On October 6, 1911, the defendant pleaded guilty and was fined \$10.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 6, 1912.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1271.

(SUPPLEMENTARY TO NOTICE OF JUDGMENT NO. 1044.)

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO CATSUP.

On January 19, 1910, the United States Attorney filed a libel in the United States District Court for the Southern District of Ohio, praying condemnation and forfeiture of 275 cases of tomato catsup. The libel contained the usual jurisdictional averments, and charged the adulteration of the product on the ground that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance and was unfit for food, as shown by the examinations of three samples of the product reported by the Bureau of Chemistry as follows: The first sample contained yeasts and mold spores 79 per one-sixtieth cmm., bacteria estimated at 24,000,000 per cc., with mold tissue in about two-thirds of the microscopic fields; the second sample contained yeast and mold spores 80 per one-sixtieth cmm., bacteria estimated at 70,000,000 per cc., with mold tissue in about two-thirds of the microscopic fields; the third sample contained yeast and mold spores 110 per one-sixtieth cmm., bacteria estimated at 30,000,000 per cc., with mold tissue in about two-thirds of the microscopic fields.

The case went to the Circuit Court of Appeals for the Sixth Circuit on the action of the District Court in sustaining the demurrer of the claimants, George Spraul Packing Co., which reversed the action of the lower court. The facts and proceedings of the case up to this point more fully appear in Notice of Judgment No. 1044, to which reference is made. Thereafter, to wit, October 18, 1911, claimants filed answer admitting the adulteration of the product and consenting to its destruction; and the court thereupon entered a decree condemning and forfeiting the product to the United States as adulterated, and ordering its destruction by the marshal, and that claimants should pay the costs, but with the proviso that the bottles and jugs containing the product should be returned to claimants when emptied.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 6, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1272.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF BEER.

On October 18, 1911, the United States Attorney for the Northern District of West Virginia, acting upon the report by the Secretary of Agriculture, filed six informations in the District Court of the United States for said district against the Benwood Brewing Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about October 10, 1910, from the State of West Virginia into the State of Ohio of 982 bottles of beer which were misbranded. The product was labeled: (3 bottles) "Gambrinus Col. O."; (9 bottles) "N. Schlee & Son Columbus, O."; (47 bottles) "Columbus Brewing Co. Columbus, O."; (66 bottles) "Franklin Brewing Co. Columbus, O."; (857 bottles) "Hoster Columbus."

Samples from said shipment were procured and examined by the Bureau of Chemistry of the United States Department of Agriculture and upon investigation it was found that said beer was manufactured and produced by the Benwood Brewing Co., Wheeling, W. Va. Misbranding was alleged against the product in the informations for the reason that it was labeled and branded so as to deceive and mislead the purchaser, in that the labels were calculated and intended to create the impression and belief in the mind of the purchaser thereof that said beer was manufactured, brewed, and bottled in the city of Columbus, State of Ohio, by the several brewing concerns whose names appeared on the labels, when in fact said product was not manufactured, brewed, and bottled by said brewing concerns, but was manufactured, brewed, and bottled by the Benwood Brewing Co. in the city of Wheeling, State of West Virginia.

On October 23, 1911, the defendant pleaded guilty to the three informations charging misbranding of the lots of beer labeled, respectively, Gambrinus; N. Schlee & Son; Hoster Columbus, and was fined \$10 and costs in each of said cases. The two cases involving the beer labeled, respectively, Franklin Brewing Co. and Columbus Brewing Co., were continued.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 6, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1273.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF LITTLE NECK CLAMS.

On September 19, 1910, the United States Attorney for the District of Massachusetts, acting upon the report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 50 cases of clams in the possession of the Boston & Maine Railroad Co. and the Eastern Steamship Co. The product was labeled: "Friendship Brand Little Neck Clams—Extra Quality—Packed by Lawry Bros., Lawry, Me."

Examination of samples of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed them to be common paper shell mud clams, and not the little neck clams or quahogs. The libel alleged that the product, after shipment by E. H. Lawry, of Lawry, Me., from the State of Maine into the State of Massachusetts, remained in the original unbroken packages and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged for the reason that said product was labeled in a manner so as to deceive and mislead the purchaser, in that the product was represented on the label to be little neck clams, extra quality, when in fact the product was not little neck clams, but common paper shell mud clams, and said representation was therefore false and misleading.

On September 30, 1910, the case coming on to be heard and the said E. H. Lawry having filed petition as claimant of the property and answer to the libel, the court found the said product to be misbranded as alleged in the libel and entered a decree condemning and forfeiting it to the United States and ordering its destruction, but with the proviso that it should be released to the claimant upon the payment of costs and the execution of a good and sufficient bond conditioned that said property should not again be sold contrary to law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 6, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1274.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF RAISINS.

On October 11, 1910, the United States Attorney for the Eastern District of Pennsylvania, acting upon the report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 337 boxes of raisins in the possession of the Interstate Warehouse Co. in the city of Philadelphia. The product was labeled: "50 lbs. Net California Raisins Seedless Muscatels. Packed by Monarch Fruit Co., Fresno, Cal."

A sample, collected by the trade method which was adopted at the suggestion of the consignee, consisting of one pound from the center of five representative boxes taken promiscuously from the shipment, was examined by the Bureau of Chemistry of the United States Department of Agriculture and showed the following results: 200 grams showed 16 per cent by weight of shriveled and dried raisins, one live worm, and eight weevils. The libel alleged that the product, after shipment by R. C. Griffith & Co. from the State of Maryland into the State of Pennsylvania, remained in the original unbroken packages and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it consisted in whole or in part of a filthy, decomposed vegetable substance, and was therefore liable to seizure for confiscation.

On February 24, 1911, a decree was entered declaring the product adulterated as alleged in the libel and condemning and forfeiting it to the United States and ordering it to be sold by the marshal, but with the proviso that, upon the payment of costs by the claimant and the giving of a bond in the sum of \$750 that the product should not be sold or disposed of contrary to law, it should be released to the claimant.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 6, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1275.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF BLACK OLIVES.

On March 20, 1911, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of three barrels of black olives in the possession of G. Grandi in the city of Baltimore. The product was labeled: "Order Greek Trading Co. Notify G. Grandi, Baltimore, Md."

Examination of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed that 27 per cent of the product was passable, 12 per cent very soft, and 61 per cent worm-eaten. The libel alleged that the olives, after shipment by the Greek Trading Co., of New York City, from the State of New York into the State of Maryland, remained in the original unbroken packages and were adulterated in violation of the Food and Drugs Act of June 30, 1906, because they consisted in part of a filthy and decomposed vegetable substance, to wit, decayed and worm-eaten olives, and were therefore liable to seizure for confiscation.

On July 3, 1911, the case coming on to be heard and no one having appeared as claimant, the court found the product adulterated as alleged in the libel and entered a decree condemning and forfeiting it to the United States and ordering its destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 6, 1912.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1276.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF QUINCE JAM, PEACH JAM, RASPBERRY JAM, STRAWBERRY JAM, APRICOT JAM, JELLY APPLE FLAVOR, AND BLACKBERRY JAM; ADULTERATION OF CATSUP.

On May 8, 1911, the United States Attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed five informations in the District Court of the United States for said district against the McMechen Preserving Co., a corporation, of Wheeling, W. Va., alleging shipments by it, in violation of the Food and Drugs Act, of the several products and in the manner hereinafter stated.

On July 2, 1910, shipment from the State of West Virginia into the State of Indiana of the several products labeled as follows:

(I. S. No. 10359-c) "Fort Henry Brand Compound Jam. Quinces 25% Corn Syrup 50% Apple Juice 25% McMechen Preserving Co., Wheeling, W. Va., Quality reliable."

(I. S. No. 10360-c) "Fort Henry Brand Compound Jam. Peaches 25% Corn Syrup 50% Apple Juice 25% McMechen Preserving Co., Wheeling, W. Va., Quality reliable."

(I. S. No. 10361-c) "Fort Henry Brand Compound Jam. Raspberries 25% Corn Syrup 50% Apple Juice 25% McMechen Preserving Co., Wheeling, W. Va., Quality reliable."

(I. S. No. 10362-c) "Fort Henry Brand Compound Jam. Strawberries 25% Corn Syrup 50% Apple Juice 25% McMechen Preserving Co., Wheeling, W. Va., Quality reliable."

(I. S. No. 10364-c) "Fort Henry Brand Compound Jam. Apricot 25% Corn Syrup 50% Apple Juice 25% McMechen Preserving Company, Wheeling, W. Va., Quality reliable."

The numbers appearing before the labels were no part thereof but are used for purposes of identification of the several products, and they will hereinafter be referred to by said numbers. Analyses of samples of each of the aforesaid products were made by the Bureau

of Chemistry of the United States Department of Agriculture, with the following results:

(I. S. No. 10359-c, "Compound Jam. Quinces.")

Acids (cc N/10 alkali per 100 grams)-----	60.0
Solids (per cent)-----	72.28
Non-sugar solids (per cent)-----	31.84
Sucrose, Clerget (per cent)-----	3.21
Reducing sugars as invert (per cent)-----	37.23
Commercial glucose (factor 163) (per cent)-----	71.84
Polarization direct at 27.5° C-----	125.29
Polarization invert at 27.5° C-----	121.15
Polarization invert at 87° C-----	116.27
Ash (per cent)-----	.53
Preservatives (benzoic and salicylic acids)-----	None.
Phosphoric acid and soluble phosphates as P ₂ O ₅ (per cent)-----	.02

(I. S. No. 10360-c, "Compound Jam. Peaches.")

Solids (per cent)-----	73.97
Non-sugar solids (per cent)-----	30.82
Sucrose, Clerget (per cent)-----	4.68
Reducing sugars as invert (per cent)-----	38.47
Commercial glucose (factor 163) (per cent)-----	67.43
Polarization direct at 27.5° C-----	117.98
Polarization invert at 27.5° C-----	111.95
Polarization invert at 87° C-----	109.92
Ash (per cent)-----	.62
Preservatives (benzoic and salicylic acids)-----	None.
Phosphoric acid and soluble phosphates as P ₂ O ₅ (per cent)-----	.03
Acids (cc N/10 alkali per 100 grams)-----	70.0

(I. S. No. 10361-c, "Compound Jam. Raspberries.")

Solids (per cent)-----	70.48
Non-sugar solids (per cent)-----	32.31
Sucrose, Clerget (per cent)-----	2.24
Reducing sugars as invert (per cent)-----	35.93
Commercial glucose (factor 163) (per cent)-----	68.34
Polarization direct at 27.5° C-----	118.11
Polarization invert at 27.5° C-----	115.22
Polarization invert at 87° C-----	111.38
Ash (per cent)-----	.56
Preservatives (benzoic and salicylic acids)-----	None.
Phosphoric acid and soluble phosphates as P ₂ O ₅ -----	Trace.
Acids (cc N/10 alkali per 100 grams)-----	70.0

(I. S. No. 10362-c, "Compound Jam. Strawberries.")

Solids (per cent)-----	68.95
Non-sugar solids (per cent)-----	28.84
Sucrose, Clerget (per cent)-----	4.48
Reducing sugars as invert (per cent)-----	35.63
Commercial glucose (factor 163) (per cent)-----	67.12
Polarization direct at 27.5° C-----	117.67
Polarization invert at 27.5° C-----	111.92

Polarization invert at 87° C-----	109.40
Ash (per cent)-----	.53
Preservatives (benzoic and salicylic acids)-----	None.
Phosphoric acid and soluble phosphates as P_2O_5 (per cent)-----	.02
Acids (cc N/10 alkali per 100 grams)-----	70.0

(I. S. No. 10364-c, "Compound Jam. Apricot.")

Solids (per cent)-----	71.87
Non-sugar solids (per cent)-----	31.94
Sucrose, Clerget (per cent)-----	3.00
Reducing sugars as invert (per cent)-----	36.93
Commercial glucose (factor 163) (per cent)-----	70.40
Polarization direct at 27.5° C-----	121.22
Polarization invert at 27.5° C-----	117.35
Polarization invert at 87° C-----	114.75
Ash (per cent)-----	.53
Preservatives (benzoic and salicylic acids)-----	None.
Phosphoric acid and soluble phosphates as P_2O_5 -----	Trace.
Acids (cc N/10 alkali per 100 grams)-----	65.0

Misbranding was alleged in the information against the product labeled "Compound Jam, Quinces", I. S. No. 10359-c, for the reason that the label represented it to contain 50 per cent of corn syrup, which statement was false and misleading, and calculated to deceive and mislead the purchaser, because said article contained in fact 71.34 per cent corn syrup.

Misbranding was alleged against the product labeled "Compound Jam Peaches", I. S. No. 10360-c, because the label represented it to contain but 50% of corn syrup, which representation was false and misleading and calculated to mislead and deceive the purchaser because said product contained in fact 67.43 per cent of corn syrup.

Misbranding was alleged against the product labeled "Compound Jam, Raspberries", I. S. No. 10361-c, because the label represented it to contain but 50 per cent corn syrup, when in fact it contained 68.34 per cent corn syrup, and the representation on the label was therefore false and misleading and calculated to deceive and mislead the purchaser.

Misbranding was alleged against the product labeled "Compound Jam, Strawberries", I. S. No. 10362-c, because the label represented it to contain 50% of corn syrup, whereas in fact it contained 67.12 per cent corn syrup, and the representation on the label was therefore false and misleading and calculated to deceive and mislead the purchaser.

Misbranding was alleged against the product labeled "Compound Jam, Apricot", I. S. No. 10364-c, because the label represented it to contain 50 per cent corn syrup, when in fact it contained 70.40 per cent corn syrup, and the representation on the label was therefore

false and misleading and calculated to deceive and mislead the purchaser.

On December 20, 1910, shipment from the State of West Virginia into the District of Columbia, of a quantity of catsup which was adulterated. The product was labeled: "Parker House brand catsup. Made from tomatoes, gran. sugar, salt, pure spices, grain vinegar, and prepared with 1/10 of 1% Benz. Soda. McMechen Preserving Co., Wheeling, W. Va." (I. S. No. 10262-c.)

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed it to contain yeasts and spores 94 per one-sixtieth cmm, bacteria 216 million per cc., mold filaments in 70 per cent of the fields. Adulteration was alleged in the information against this product because it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, as shown by the aforesaid analysis.

On July 2, 1910, shipment from the State of West Virginia into the State of Indiana of a quantity of preserves which were misbranded. The products were labeled respectively:

(I. S. No. 10354-c) "Fort Henry Brand Compound Jelly Apple Flavor Apple Juice 33%, Corn Syrup 67% McMechen Preserving Co., Wheeling, W. Va."

(I. S. No. 10363-c) "Quality Reliable. 25% blackberries. Fort Henry Brand Compound Jam, Blackberries 25% Corn Syrup 50%, Apple Juice 25%. McMechen Preserving Company, Wheeling, W. Va."

Analyses of samples of said products, numbered I. S. No. 10354-c and I. S. No. 10363-c, respectively, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results:

(I. S. No. 10354-c.)

Solids (per cent)-----	66.8
Nonsugar solids (per cent)-----	28.7
Sucrose, Clerget (per cent)-----	.90
Reducing sugars as invert (per cent)-----	37.20
Commercial glucose (factor 163) (per cent)-----	59.26
Polarization direct at 20° C-----	+96.8
Polarization invert at 20° C-----	+95.6
Polarization invert at 87° C-----	+96.6
Ash (per cent)-----	.88
Phosphoric acid (per cent)-----	.501
P ₂ O ₅ in ash (per cent)-----	56.9
Sodium benzoate (per cent)-----	.04

(I. S. No. 10363-c.)

Solids (per cent)-----	71.67
Nonsugar solids (per cent)-----	33.70
Sucrose, Clerget (per cent)-----	2.27

Reducing sugars as invert (per cent)-----	\$5. 70
Commercial glucose (factor 163) (per cent)-----	70. 69
Polarization direct at 27.5° C-----	122. 10
Polarization invert at 27.5° C-----	119. 18
Polarization invert at 87° C-----	115. 22
Ash (per cent)-----	. 63
Chemical preservatives (benzoic and salicylic acids)-----	None
Acids (cc N/10 alkali per 100 grams)-----	90. 0
Phosphoric acids and soluble phosphates-----	Trace
Color-----	Natural.

Misbranding was alleged against the first-named product, numbered I. S. No. 10354-c, for the reason that the label represented it to contain only apple juice, 33 per cent, and corn syrup 67 per cent, which statement was false and misleading, and calculated to deceive and mislead the purchaser into the belief that said article was made up of only apple juice and corn syrup, when in fact it contained sodium benzoate and phosphoric acid, the presence of which two ingredients was not declared on the label. Misbranding was alleged against the compound jam blackberries, numbered I. S. No. 10363-c, because the label represented it to contain only 50 per cent corn syrup, when in fact it contained 70.69 per cent corn syrup and the statement on the label was therefore false and misleading and calculated to deceive and mislead the purchaser.

On December 12, 1910, shipment from the State of West Virginia into the State of Tennessee of a quantity of tomato catsup which was adulterated. The product was labeled: "Blue Star Tomato Catsup, made from Tomatoes, sugar, spices, vinegar, and 1/10 of 1% Benzoate of Soda, Pkd. for J. Cooney & Co., Nashville, Tenn." (I. S. No. 10457-c.)

Examination of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed it to contain yeasts and spores 98 per one-sixtieth cmm., bacteria 210 million per cc., with mold filaments in 60 per cent of the fields. Adulteration was alleged in the information against this product because it consisted in whole or in part of a filthy, decomposed vegetable substance, as shown by the aforesaid examination.

On December 20, 1910, shipment from the State of West Virginia into the District of Columbia of two lots of catsup which were adulterated. The products were labeled:

(I. S. No. 10263-c) "Sanitary Brand Catsup. Made from whole tomatoes, gran. sugar, onions, pure spices, grain vinegar, and prepared with 1/10 of 1% Benzoate Soda. Packed for Sanitary Grocery Co., Inc., Washington, D. C."

(I. S. No. 10264-c) "Star Brand Tomato Catsup. Made from whole tomatoes, gran. sugar, salt, onions, pure spices, grain vinegar, and prepared with 1/10 of 1% Benzoate of Soda. Packed for John C. Leets Groc. Co., Wash. D. C."

Examinations of samples of the aforesaid products by the Bureau of Chemistry of the United States Department of Agriculture showed the product labeled "Sanitary Brand Catsup" (I. S. No. 10263-c) to contain yeasts and spores 112 per one-sixtieth cmm., bacteria 230 million per cc., with mold filaments in 80 per cent of the fields, and the product labeled "Star Brand Tomato Catsup" (I. S. No. 10264-c) to contain yeasts and spores 84 per one-sixtieth cmm., bacteria 200 million per cc., with mold filaments in 85 per cent of the fields. Adulteration was alleged in the information against both of these products on the ground that they each consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, as shown by the aforesaid examinations.

On October 23, 1911, the defendant appeared and entered a plea of guilty to each information, and was fined \$10 in each case, or a total of \$50.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 9, 1912.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1277.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CODERRE'S INFANTS' SYRUP.

On March 30, 1911, the United States Attorney for the District of Massachusetts, acting upon a report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against George Mortimer & Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about July 15, 1910, from the State of Massachusetts into the State of Pennsylvania, of a quantity of a drug product called Coderre's Infants' Syrup, which was misbranded. The product was labeled: On bottle: "Dr. J. Emery-Coderre's Infants' Syrup . . . contains $\frac{1}{3}$ grain of morphine, 2% alcohol in each ounce . . . prepared with the approbation of the Professors of the Montreal School of Medicine and Surgery Medical Faculty of Victoria College . . . Manufactured by the Franco American Chemical Co. Montreal, Canada; Boston, U. S. A." On circular enclosed with the product: "This Syrup can be given in all confidence to infants in cases such as Colic, Diarrhoea, Dysentery, Painful Dentition, Inability to Sleep, Coughs, Colds, &c., &c. A Reliable Soothing Syrup."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Specific gravity (15.6° C.), 1.243; morphine, about one-fourth grain per ounce; total solids, 58.71 per cent; ash, 0.98 per cent; alcohol, 1.85 per cent; potassium, present; phosphates, trace; oil anise, present. Misbranding was alleged in the first count of the information for the reason that there appeared upon the package containing said drug a certain statement which was false and misleading in a certain particular, that is to say, the statement in substance and effect that said drug could be given in full confidence to infants in cases such as colic, diarrhoea, dysentery, painful dentition, inability to sleep, coughs, and colds, thereby leading purchasers to believe that said drug could be administered by a person though unskilled in its use, to infants with safety to the health and lives of such

infants, when in fact said drugs could not be administered to infants by persons unskilled in the use of said drugs without endangering the health and lives of such infants, and further because said drugs contained morphine, a harmful and powerful drug, which if administered to infants by persons that had not expert knowledge of its use and effect would endanger the lives and health of such infants. Misbranding was alleged in the second count of the information for the reason that the package containing said drug failed to bear a statement of the amount of morphine and alcohol contained in said drug in accordance with the regulations for the enforcement of the Food and Drugs Act, that is to say, the quantity of said morphine and alcohol contained in said drugs was declared upon the package in type smaller than eight point (brevier) capitals, contrary to the aforesaid regulations.

On April 12, 1911, the defendant corporation pleaded guilty and was fined \$150.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 9, 1912.*

Issued February 24, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1278.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF MACARONI.

On July 21, 1911, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against Maull Bros., St. Louis, Mo., alleging shipment by them, in violation of the Food and Drugs Act, on or about May 12, 1910, from the State of New York into the Territory of Arizona, of a consignment of macaroni which was misbranded. The product was labeled "Neapolitan Macaroni Mezzani Napoli". In addition, there was a picture showing a volcano and a bay with villages thereon and another cut showing an Italian boat scene.

Examination of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the product to be of domestic manufacture. Misbranding was alleged for the reason that the product was so labeled and branded as to purport that it was a foreign product when not so, and the label was therefore false and misleading and calculated to mislead and deceive the purchaser.

On August 2, 1911, the defendants pleaded guilty and were fined \$10 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 9, 1912.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1279.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF COFFEE.

On October 26, 1911, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against C. D. Kenny Co., of Baltimore, Md., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about February 10 and 11, 1911, from the State of Maryland into the State of Georgia, of a quantity of coffee which was adulterated. The product was labeled:

(I. S. No. 13330-c) "Hanover Special Blend Coffee. C. D. Kenny Company, Baltimore, Md. Hanover Special Blend Coffee, A superior blended coffee noted for its fine drinking qualities. All the skill that experience gives has been devoted to make this coffee a delicious drink."

(I. S. No. 13331-c) "Minerva Special Blend Coffee. C. D. Kenny Co., Baltimore, Md. Minerva. Special Blend Coffee. A superior Blended Coffee noted for its fine drinking qualities. All the skill that experience gives has been devoted to make this coffee a delicious drink."

(I. S. No. 13332-c) "Eutaw Blend Coffee. Eutaw Blend Coffee. Flavor, Quality, Aroma * * * ."

(I. S. No. 13333-c) "One Pound full Weight Louise Fresh Roasted Coffee. The Eutaw Tea & Coffee Co., Baltimore, Md. * * * ."

(I. S. No. 13334-c) "Our Favorite Special Blend Coffee. C. D. Kenny Co., Baltimore, Md. A superior blended coffee. Noted for its fine drinking qualities, * * * ."

Examination of samples of each of the above coffees by the Bureau of Chemistry of the United States Department of Agriculture showed that each of the coffees labeled as above contained a moderate amount of chicory. Adulteration was alleged against said coffee for the reason that a substance, to wit, chicory, had been mixed and packed with said coffee so as to reduce, lower, or injuriously affect its quality and strength.

On October 26, 1911, the defendant company pleaded nolo contendere and the court imposed a fine of \$50.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 10, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1280.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF PEAS.

On October 26, 1911, the United States Attorney for the District of Maryland, acting upon a report from the Secretary of Agriculture, filed an information in the District Court of the United States for said district against the John Boyle Co., a corporation of the city of Baltimore, alleging shipment by it, in violation of the Food and Drugs Act, on or about October 5, 1910, from the State of Maryland into the State of Florida, of 101 cases of canned peas which were misbranded. The product was labeled, on can: "Garçon Brand Petit Pois Moyens, Snow & Bryan, Tampa, Fla. Distributors."

Examination of a sample of the said product made by the Bureau of Chemistry of the United States Department of Agriculture showed no salicylic acid, benzoic acid, or saccharin; sodium chlorid present. Misbranding was alleged for the reason that the label was false and misleading and calculated to deceive and mislead the purchaser, in this, to wit, that the use of French words on the label created the impression that the product was of foreign origin, when in fact it was of domestic origin, having been put up and packed in the city of Baltimore, Md., and further, in that it purported to be a foreign product when not so.

On October 26, 1911, the defendant pleaded guilty and was fined \$15.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 11, 1912.*

24767°—No. 1280—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1281.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF EXTRACT OF VANILLA.

On October 26, 1911, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Andrew Baumgartner Co., of Baltimore, Md., alleging shipment by them, in violation of the Food and Drugs Act, on or about February 18, 1911, from the State of Maryland into the District of Columbia, of a case of extract of vanilla which was adulterated and misbranded. The product was labeled: "Unadulterated Extract Vanilla, 20% deod. Alcohol, manufactured by The A. Baumgartner Co., Baltimore, Md."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Vanillin, 0.58 per cent; coumarin, absent; lead number, 0.39; small amount natural color by amyl alcohol; resins, trace; alcohol by volume, 18.49 per cent; no caramel detected. Adulteration was alleged for the reason that a substance containing artificial vanillin had been mixed and packed with the product in such a manner as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for it. Misbranding was alleged for the reason that the statement on the label "Unadulterated Extract Vanilla" was false and misleading because said product was adulterated by the use of artificial vanillin.

On October 26, 1911, the defendant company pleaded guilty and was fined \$30.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 11, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1282.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF GOLD MEDAL COFFEE COCKTAIL.

At the February term of the United States District Court for the Southern District of Ohio the United States Attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the United States District Court for said district an information against the Mihalovitch Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about July 27, 1910, from the State of Ohio into the State of Colorado, of a quantity of a drug product labeled: "Gold Medal Coffee Cocktail. A Great Tonic, Stimulant and Invigorator. This Tonic is bottled expressly for family and medicinal use and is prepared from the very best materials that can be secured. It is absolutely pure and guaranteed by us to comply with the National Pure Food and Drugs Act of June 30, 1906. Bottled by the Mihalovitch Co., Cincinnati, Ohio, U. S. A.", which was misbranded.

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results:

Alcohol by specific gravity (per cent)-----	25.33
Alcohol by refractometer (per cent)-----	26
Caffein (grains per ounce)-----	0.13
Sugar (per cent)-----	11.38

Misbranding was alleged against said product for the reason that the label failed to bear a statement of the quantity or proportion of alcohol contained in the product.

On October 11, 1911, the defendant entered a plea of nolo contendere and was fined \$10 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 11, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1283.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF GRAPE JUICE.

On April 5, 1911, the United States Attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Duroy & Haines Co., a corporation, Sandusky, Ohio, alleging shipment by it, in violation of the Food and Drugs Act, on or about August 10, 1909, from the State of Ohio into the State of Tennessee of a quantity of grape juice which was misbranded. The product was labeled: "Haines Grape Juice unfermented non-alcoholic preserved by sulphuring contents of bottle 26 fluid ounces (picture of grapes) The Duroy & Haines' Co., Sandusky, O."

Examination of a sample of said product made by the Bureau of Chemistry, United States Department of Agriculture, showed the following results: Volume (given 26 ounces) short 11.5 per cent (average of three samples). Misbranding was alleged against said product, for the reason that the label represented it to contain 26 fluid ounces, when in fact it contained a quantity and volume 11.5 per cent short of 26 ounces, and the label was, therefore, false and misleading and calculated to mislead and deceive the purchaser.

On May 15, 1911, the defendant pleaded guilty and was fined \$25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 11, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1284.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF "FERRO-CHINA BISLERI-BISLERI'S BITTERS"; MISBRANDING OF "FERNET-BRANCA BITTERS."

On August 30, 1911, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed information in the Circuit Court of the United States for said district against D. Maiolatesi & Co., alleging shipment by it, in violation of the Food and Drugs Act, on or about January 3, 1910, and March 2, 1910, from the State of New York into the State of New Jersey of a quantity of a product called "Ferro-China", which was adulterated and misbranded, and a quantity of a product called "Fernet-Branca", which was misbranded. The products were labeled: (I. S. 1477-c) "Ferro-China Bisleri-Bisleri's Bitters. Containing Alcohol 33%. Manufactured by Felice Bisleri—Milan (Italy) Drink plain or with water, seltzer or Vermouth. G. Ceribelli & Co., New York. Sole Agents for the United States and Canada." (I. S. 1478-c) (translation) "Fernet Branca, Branca Brothers & Co.'s Fernet Branca. Milan, Via Broletto No. 35, next to the Church of St. Thomas. The sole proprietors of the true and genuine process, recognized and approved by numerous persons of authority, patented and registered in every country in the world. For its surpassingly excellent qualities it received the largest awards at the most important National and World's Expositions. Its effect is surprising, and the numerous testimonials left with Branca Bros. & Co. show clearly what a useful remedy it is, and every family would do well to provide themselves with this specialty. The firm of Branca Brothers was awarded a special gold medal by the Italian Government. To prevent counterfeits every label will

bear the signature of Branca Brothers & Co. (copyrighted) and a dry-stamped capsule will be fastened to the neck of the bottle with another label bearing the same signature. Fernet Branca—L. Gandolfi & Co., New York. Sole Agents for the United States, Mexico, Canada, Cuba & Porto Rico. Guaranteed by L. Gandolfi & Co., New York Agents under the Food and Drug Act, June 30, 1906. Serial No. 2831."

Analyses of samples of said product were made by the Bureau of Chemistry of the United States Department of Agriculture, and showed the following results in grams per 100 cc.: (I. S. 1477-c) solids (by specific gravity), 8.72; ash, 0.047; iron as Fe, 0.0005; reducing sugars, 0.314; sucrose (from reducing sugar), 7.52; non-sugar solids, 0.89; alkaloids (total), 0.006; morphine, cocaine, strychnine and quinine absent; mixture of cinchona alkaloids without quinine appear to be present; total alcohol by volume, 33.6 per cent, of which about 2.9 per cent is methyl alcohol. Colored with caramel; color (brewer's scale) 1/4" cell, 72; odor and taste differ from that of the genuine. (I. S. 1478-c): Contains methyl alcohol; total alcohol per cent by volume, 47.44, of which about 6.4 per cent is methyl alcohol.

Misbranding was alleged in the information against the drug product called Fernet Branca, because it was labeled so as to mislead the purchaser, in that the label bore statements regarding the article which were false and misleading, in that said article was an imitation of and offered for sale under the distinctive name of another article, to wit, Fernet Branca, when it was not that article, and also because said article was falsely labeled as to the country in which it was manufactured or produced, in that the label stated it was manufactured and produced in Italy, when in fact it was manufactured and produced in the United States; and further because said label bore no statement of the quantity or proportion of alcohol contained therein. Adulteration was alleged in the information against the food product called Ferro-China Bitters, because it contained an added poisonous and deleterious ingredient which might render such article injurious to health, to wit, methyl alcohol, which methyl alcohol was not a preservative applied externally in preparation of said article for shipment. Misbranding was also alleged against this product because it was labeled so as to deceive and mislead the purchaser, in that the label bore statements regarding such article and the ingredients and substances contained therein, which were false and misleading, in that they stated that such article was Ferro China Bitters, when in fact said article was an imitation of and offered for sale under the distinctive name of another article, to wit, Ferro China Bitters, when in fact it was not that article, but a preparation including among other things foreign to Ferro-China Bitters, a poisonous

and deleterious ingredient, to wit, methyl alcohol, and was falsely branded as to the country in which it was manufactured or produced, and purported to be a foreign product, that is, purported to be manufactured and produced in Italy, when in fact it was manufactured and produced in the United States.

On October 23, 1911, the defendants pleaded guilty, and sentence was suspended by the court on the representation of the United States Attorney that the articles were manufactured by another person who has since been convicted in the State courts, and were probably purchased from him by a salesman of the defendants, who had also been convicted, and that in all probability these defendants believed they were purchasing the genuine article, and were deceived and cheated by that salesman and his confederates.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 13, 1912.*

1284



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1285.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VINEGAR.

On September 26, 1910, the United States Attorney for the District of Massachusetts, acting upon the report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 60 barrels of vinegar in the possession of the Metropolitan Steamship Co. The product was labeled: "Superior Syrup Vinegar—Natural Color—Fleischman Vinegar Works, West 34th Street, New York—Mass. State Test 46."

Analysis of a sample of the product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Solids (grams per 100 cc), 0.41; nonsugar solids (grams per 100 cc), 0.33; reducing sugar, direct (grams per 100 cc), 0.08; polarization, direct, 0.0° V.; ash (grams per 100 cc), 0.084; alkalinity of soluble ash (cc N/10 acid per 100 cc), 3.0; soluble phosphoric acid, 0.0; insoluble phosphoric acid (mg. per 100 cc), 8.8; acid as malic (grams per 100 cc), 0.02; acid as acetic (grams per 100 cc), 4.82; lead precipitate, small; color, degrees, brewer's scale $\frac{1}{2}$ inch cell, 11.0; color removed by fuller's earth, 62.0 per cent. The libel alleged that the vinegar, after shipment by the Fleischman Vinegar Works from the State of New York into the State of Massachusetts, remained in the original unbroken packages, and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged against the product for the reason that a certain substance, to wit, a dilute solution of acetic acid, had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength; and for the further reason that said product had been mixed, colored, and stained in a manner whereby damage and inferiority was concealed, that is to say, it had been

colored with syrup refuse. Misbranding was alleged for the reason that the label represented the product to be "superior syrup vinegar, natural color" when in fact it was not superior syrup vinegar and was not natural color. The representation was therefore false and misleading.

On October 18, 1910, the case coming on for hearing and the Fleischman Vinegar Works having appeared as claimant, the court found the product adulterated and misbranded as alleged in the libel, and entered a decree condemning and forfeiting it to the United States and ordering its destruction by the marshal, but with the proviso that it might be released to the claimants upon the payment of costs and the execution of a bond in a sum satisfactory to the court conditioned that said product should not be sold again contrary to law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 13, 1912.*

1285



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1286.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF COFFEE.

On August 16, 1910, the United States Attorney for the Northern District of Ohio, acting upon the report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the J. M. Bour Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about July 2, 1909, from the State of Ohio into the State of Illinois of a quantity of coffee which was adulterated. The product was labeled: "Bour's Arabian Banquet Java and Mocha Coffee The J. M. Bour Co., Toledo Ohio. Bour Quality. The J. M. Bour Co., Toledo, Ohio."

The Bureau of Chemistry of the United States Department of Agriculture examined samples of this product and reported thereon as follows: About 12 parts Dutch East Indian coffee, about 2 parts washed Java and about 2 parts Abyssinian coffee known as Longberry Mocha. Adulteration was charged against said product for the reason that a substance other than Mocha and Java coffee, to wit, Dutch East Indian coffee of the Padang variety, washed Java coffee, and Abyssinian coffee, known as Longberry Mocha, had been substituted wholly or in part for the article labeled "Bour's Arabian Banquet Java and Mocha Coffee;" and for the further reason that said coffees had been mixed and packed with the article labeled "Bour's Arabian Banquet Java and Mocha coffee" so as to reduce, lower, and injuriously affect the quality and strength thereof. Misbranding was alleged against said coffee for the reason that the product labeled Java and Mocha coffee did not contain Java or Mocha coffee, but contained an imitation thereof consisting of 12 parts Dutch East Indian coffee of the Padang variety, about 2 parts washed Java coffee, and about 2 parts Abyssinian coffee, known as Longberry Mocha, and for the further reason that said product was so

labeled as to mislead and deceive the purchaser into the belief that it contained Java and Mocha coffee, when in fact it contained other varieties of coffee as above stated and for the further reason that the label represented said coffee to be Java and Mocha coffee when in fact it was not Java and Mocha, and the representation was, therefore, false and misleading.

On December 19, 1910, the defendant pleaded guilty and was fined \$25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 16, 1912.*

1286



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1287.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VINEGAR.

On December 11, 1909, the grand jurors of the United States within and for the Northern District of Ohio, after presentation by the United States Attorney, acting upon a report of the Secretary of Agriculture, returned an indictment in eight counts in the United States Court for said district against the Harbauer-Marleau Co., a corporation, charging violation by said company of the Food and Drugs Act of June 30, 1906, on the dates and in the manner herein-after stated, to wit:

On October 10, 1908, shipment from the State of Ohio into the State of Illinois of a quantity of vinegar which was misbranded. The product was labeled: "Pure Cider Fermented Apple Vinegar, manufactured by the Harbauer-Marleau Company, Toledo, Ohio." Analysis of a sample of said product was made by the Bureau of Chemistry of the United States Department of Agriculture and showed the following results: Solids (grams per 100 cc), 2.11; non-sugar solids (grams per 100 cc), 0.91; reducing sugars (grams per 100 cc), 1.20; polarization, direct, -1.0° V.; polarization, invert, -1.2° V.; ash (grams per 100 cc), 0.29; alkalinity of ash (cc N/10 HCl), 33; P_2O_5 soluble (mg per 100 cc), 11.5; P_2O_5 insoluble (mg per 100 cc), 10.8; total acid (grams per 100 cc), 4.46; fixed acid, 0; color, degrees, brewer's scale (0.5 in. cell), 5; lead precipitate satisfactory. Misbranding of this product was alleged in the first count of the indictment for the reason that the product was so labeled as to cause the purchaser to believe that the package or barrel contained apple fermented cider vinegar when in fact the product was an imitation apple cider vinegar composed wholly or in part of distilled vinegar or a dilute solution of acetic acid and a foreign product high in reducing sugars; and for the further reason that the statements con-

tained on said label regarding the ingredients and substances contained in the product were false and misleading in that they would cause a person reading the same to believe that the package or barrel contained pure cider fermented apple vinegar when in fact said product was an imitation cider vinegar consisting wholly or in part of a distilled vinegar or a dilute solution of acetic acid and a foreign product high in reducing sugars, and also because said product was an imitation of fermented apple cider vinegar, that is to say, a substance consisting wholly or in part of a dilute solution of acetic acid or distilled vinegar and a foreign product high in reducing sugars.

That the said Harbauer-Marleau Co. did, on October 10, 1908, sell and deliver to the Paddock-Overmeyer Co., in Toledo, Ohio, a quantity of vinegar under a general guaranty that said vinegar complied in all respects with the requirements of the Food and Drugs Act; that the said Paddock-Overmeyer Co., without changing the product in any manner and in reliance upon the aforesaid guaranty, did, on October 15, 1908, ship the same from the State of Ohio into the State of Michigan. The product was labeled: "Pure cider fermented apple vinegar. Made for Paddock-Overmeyer Company, Toledo, Ohio." and on the opposite end of the barrel "49—Manufactured by The Harbauer-Marleau Company, Toledo, Ohio." Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Solids (grams per 100 cc), 2.10; reducing sugar (grams per 100 cc), 1.173; reducing sugar, in solids, 55.9 per cent; ash (grams per 100 cc), 0.336; ash in solids, 16.0 per cent; alkalinity water soluble ash (cc N/10 HCl per 100 cc), 37.1; soluble P_2O_5 (mg per 100 cc), 14.1; insoluble P_2O_5 (mg per 100 cc), 9.5; ratio soluble to total P_2O_5 , 59.7 per cent; total acid, as acetic (grams per 100 cc) 3.96; volatile acid, as acetic (grams per 100 cc), 3.96; fixed acid absent; polarization, direct -1.1° V.; polarization, invert -1.2° V.; color removed by fuller's earth, 50.0 per cent; color with tintometer, 6; lead number, 138.0; salicylates and benzoates absent. The indictment, after alleging in the second count the sale of the vinegar by the Harbauer-Marleau Co. to the Paddock-Overmeyer Co. under the guaranty aforesaid, and the shipment in interstate commerce by the latter company, charged that the said product was misbranded for the reason that it was so labeled and branded as to deceive and mislead the purchaser to believe that it was a fermented apple cider vinegar when in fact it was not such but was an imitation of apple cider vinegar composed wholly or in part of distilled vinegar or a dilute solution of acetic acid and a foreign product high in reducing sugars. The statement on the label was therefore false and misleading.

That the said Harbauer-Marleau Co. did, on or about January 8, 1909, ship from the State of Ohio into the State of West Virginia a quantity of vinegar which was misbranded. The product was labeled: "Rustic Club—Pure Cider Vinegar—made for Joseph Speidel Grocery Company, of Wheeling, West Virginia and Urichsville, Ohio." Analysis of a sample of the product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Total solids (grams per 100 cc), 2.65; reducing sugars (grams per 100 cc), 1.56; per cent reducing sugars in solids 58.9; non-sugar solids (grams per 100 cc), 1.09; total ash (grams per 100 cc), 0.34; per cent ash in non-sugar solids, 31.2; alkalinity of water soluble ash (cc N/10 HCL per 100 cc), 36.9; P_2O_5 in water soluble ash (mg per 100 cc), 12.3; P_2O_5 in water insoluble ash (mg per 100 cc), 12.0; polarization, direct, -1.8° V.; polarization, invert, -2.2° V.; precipitate with lead acetate, O. K.; color, degrees, brewer's scale 0.5 in. cell, 6.5; color removed by fuller's earth, 64 per cent; total acid, as acetic (grams per 100 cc), 4.09; fixed acid, as malic, none. Misbranding was alleged in the third count of the information for the reason that the product was so labeled as to deceive and mislead purchasers into the belief that it was a pure cider vinegar when in fact it was an imitation cider vinegar consisting wholly or in part of a dilute solution of acetic acid or distilled vinegar and a foreign product high in reducing sugars; and also because the label contained a statement that was false and misleading and calculated to deceive and mislead the purchaser, in this, to wit, that it represented said product to be a pure cider vinegar when in fact it was not such but was an imitation cider vinegar consisting wholly or in part of a dilute solution of acetic acid or distilled vinegar and a foreign product high in reducing sugars.

That the said Harbauer-Marleau Co., on or about January 11, 1909, shipped from the State of Ohio into the State of Pennsylvania a quantity of vinegar which was misbranded. The product was labeled: "Elks Pride, Fermented Apple Pure Cider Vinegar. The Harbauer-Marleau Company, Toledo, Ohio." On the reverse head of the barrel: "49—Jan. 11/09. Guaranteed under the Food and Drugs Act, June 30, 1906, Serial No. 8904." Analysis of a sample of the said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Solids (grams per 100 cc), 2.56; reducing sugars (grams per 100 cc), 1.456; reducing sugars in solids, 56.9 per cent; polarization, direct, 1.7° V.; polarization, invert, 1.7° V.; ash (grams per 100 cc), 0.350; ash in solids, 13.7 per cent; alkalinity of water soluble ash (cc N/10 acid per 100 cc), 39.4; P_2O_5 , soluble (mg per 100 cc), 11.1; P_2O_5 , insoluble (mg per 100 cc), 12.4; ratio soluble to total P_2O_5 , 47.20 per

cent; total acid, as acetic (grams per 100 cc), 4.05; volatile acid, as acetic (grams per 100 cc), 4.04; fixed acid, as malic (grams per 100 cc), 0.01; color removed by fuller's earth, 58 per cent; color with tintometer, 7; lead acetate precipitate, O. K.; salicytates and benzoates, absent. Misbranding was alleged in the fourth count of the indictment against this product because it was an imitation cider vinegar consisting wholly or in part of a dilute solution of acetic acid or distilled vinegar and a foreign substance high in reducing sugars, and the statement on the label that it was a pure cider vinegar was therefore false and misleading and calculated to deceive and mislead the purchaser.

That the said Harbauer-Marleau Co., on or about January 13, 1909, shipped from the State of Ohio into the State of Illinois a quantity of vinegar which was adulterated. The product was labeled: "Camel brand, Cider Vinegar, made from Apple Juice Only, sole guarantee by Campbell-Holton Co., Bloomington, Ill." On the opposite end "Guaranteed under the Food and Drugs Act, June 30/06, No. 8904, 48 gal. Jan. 12/09." Analysis of a sample of said product was made by the Bureau of Chemistry of this Department with the following results: Solids (grams per 100 cc), 2.55; non-sugar solids (grams per 100 cc), 1.06; reducing sugars (grams per 100 cc), 1.49; polarization, direct, -1.8° V.; polarization, invert, -2.0° V.; ash (grams per 100 cc), 0.38; alkalinity of water soluble ash (cc N/10 HCl), 40; P_2O_5 soluble (mg per 100 cc), 8.8; P_2O_5 insoluble (mg per 100 cc), 14.8; total acid (grams per 100 cc), 4.25; fixed acid, 0; color removed by fuller's earth, 44 per cent; total color, degrees, brewer's scale (0.5 in. cell), 6.5; lead precipitate, normal. Adulteration was alleged in the fifth count of the indictment against this product for the reason that a substance, to wit, distilled vinegar or a dilute solution of acetic acid and a foreign product high in reducing sugars, had been substituted wholly or in part for the article designated as cider vinegar made from apple juice only.

That the said Harbauer-Marleau Co. shipped, on February 20, 1909, from the State of Ohio into the State of Indiana a quantity of vinegar which was misbranded. The product was labeled: "Sugar Fermented Vinegar, made by the Harbauer-Marleau Co., Toledo, Ohio;" on other end of barrel: "49-Feb. 17, 1909, guaranteed under the Pure Food and Drugs Act, June 30, 1906, Serial No. 8904." Analysis of a sample of the product made by the Bureau of Chemistry showed the following results: "Solids (grams per 100 cc), 1.95; non sugar solids (grams per 100 cc), 0.33; reducing sugar, invert (grams per 100 cc), 1.62; per cent sugar in solids, 83.07; polarization, direct, temperature 20° C., -0.5° V.; ash (grams per 100 cc), 0.08; alkalinity of soluble ash (cc N/10 acid 100 cc), 3.8; soluble phos-

phoric acid (mg per 100 cc), 0.48; insoluble phosphoric acid (mg per 100 cc), 2.96; acid, as acetic (grams per 100 cc), 4.05; volatile acid, as acetic (grams per 100 cc), 4.05; fixed acid, as malic (grams per 100 cc), 0.003; lead precipitate, light; color, degrees, brewer's scale (0.5 in. cell), 8; color removed by fuller's earth, 70 per cent. Misbranding was alleged in the sixth count of the indictment against this product for the reason that it was an imitation fermented vinegar composed wholly or in part of a distilled vinegar or a dilute solution of acetic acid and sugar colored in imitation of sugar vinegar; and the representation on the label that it was a sugar fermented vinegar was therefore false and misleading and calculated to deceive and mislead the purchaser.

That the said Harbauer-Marleau Co., on or about February 20, 1909, shipped from the State of Ohio into the State of Indiana a quantity of vinegar which was misbranded. The product was labeled: "Quaker Pure Cider Fermented Vinegar, made for The J. W. Grubbs Co., Richmond, Ind."; on the other end of the barrel: "46-Feb. 17, 1909, Serial No. 8904, guaranteed under the Pure Food and Drugs Act." Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Solids (grams per 100 cc), 2.52; non sugar solids (grams per 100 cc), 1.18; reducing sugar, invert (grams per 100 cc), 1.34; per cent sugar in solids, 53.18; polarization, direct, -1.1° V.; ash (grams per 100 cc), 0.376; alkalinity of soluble ash (cc N/10 acid 100 cc), 35 cc; soluble phosphoric acid (mg per 100 cc), 12.84; insoluble phosphoric acid (mg per 100 cc), 13.14; acid, as acetic (grams per 100 cc), 3.97; volatile acid, as acetic (grams per 100 cc), 3.97; fixed acid, as malic (grams per 100 cc), 0.006; lead precipitate, heavy; color, degrees, brewer's scale (0.5 in. cell), 7; color removed by fuller's earth, 64 per cent. Misbranding was alleged in the seventh count of the indictment against this product for the reason that it was an imitation apple cider vinegar composed wholly or in part of distilled vinegar or a dilute solution of acetic acid and a foreign product high in reducing sugars; and the statement on the label that it was a "pure cider fermented vinegar" was therefore false and misleading and calculated to deceive and mislead the purchaser.

That the said Harbauer-Marleau Co., on or about March 26, 1909, shipped from the State of Ohio into the State of Missouri a quantity of vinegar which was misbranded. The product was labeled: "Sweet Home Brand Fermented Apple Cider Vinegar, made for Goddard Grocery Co., St. Louis, Mo." Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Solids (grams per 100

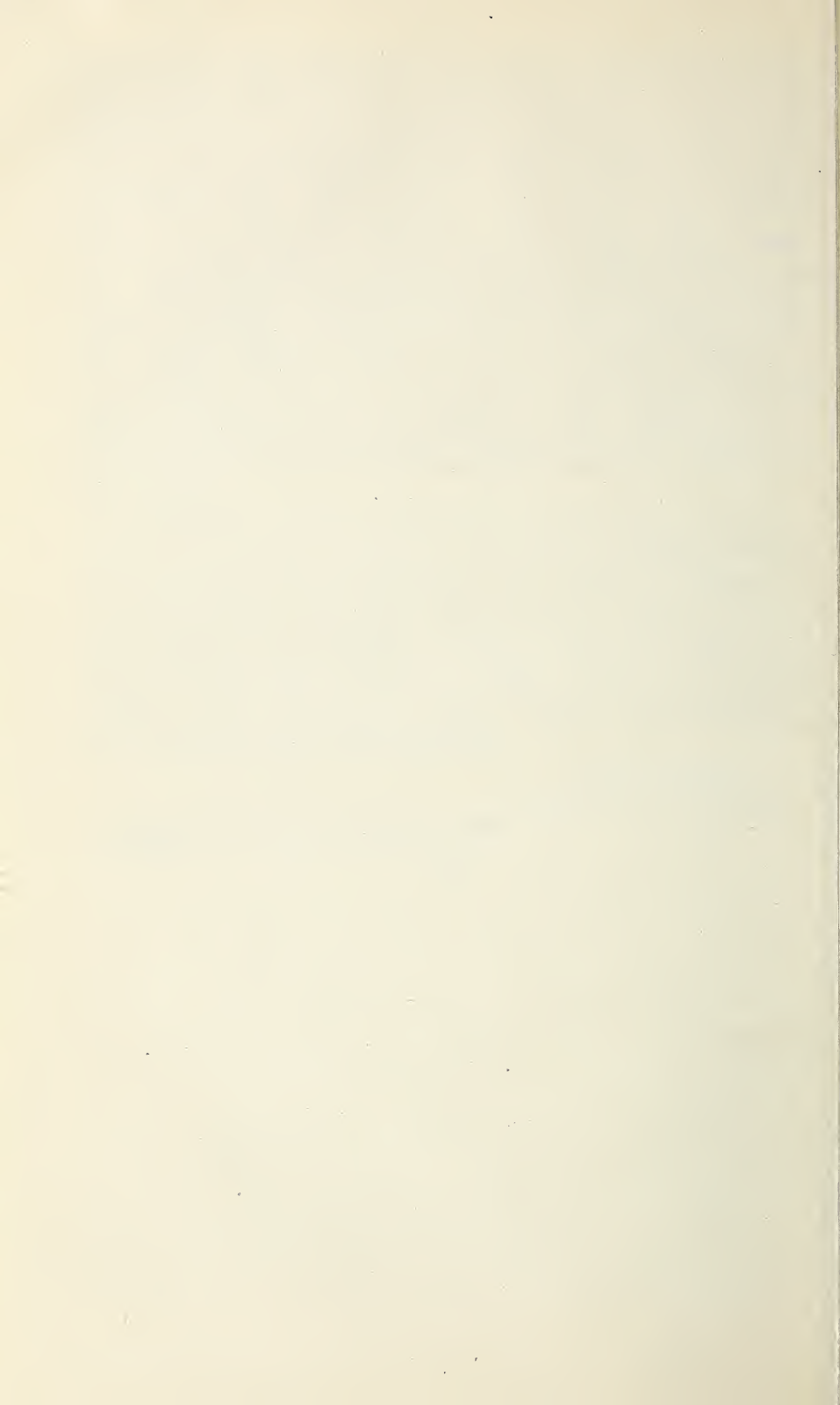
cc), 2.47; non sugar solids (grams per 100 cc), 1.25; reducing sugar, invert (grams per 100 cc), 1.22; polarization, direct, -1.0° V.; ash (grams per 100 cc), 0.37; alkalinity of soluble ash (cc N/10 acid 100 cc), 36.2; soluble phosphoric acid (mg per 100 cc), 13.7; insoluble phosphoric acid (mg per 100 cc), 11.1; acid, as acetic (grams per 100 cc), 3.82; fixed acid, as malic (grams per 100 cc), 0.013; lead precipitate medium, flocculent; color, degrees, brewer's scale (0.5 in. cell), 9; color removed by fuller's earth, 70 per cent. Misbranding was alleged in the eighth count of the indictment against this product for the reason that it was an imitation apple cider vinegar composed wholly or in part of a distilled vinegar or a dilute solution of acetic acid and a foreign product high in reducing sugars, artificially colored in imitation of cider vinegar; and the statement on the label that the product was apple cider vinegar was therefore false and misleading and calculated to deceive and mislead the purchaser.

On September 26, 1910, the defendant entered a plea of nolo contendere to the second and sixth counts of the indictment alleging, respectively, the sale under guaranty to the Paddock-Overmeyer Co. of a product labeled "pure cider fermented apple vinegar," which was misbranded, and the interstate shipment by the defendant of the product labeled "sugar fermented vinegar," which was misbranded, whereupon the court imposed a fine of \$25 on each count, or a total of \$50; and the United States Attorney entered a nolle prosequi as to all the other counts in the indictment.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 18, 1912.*
1287





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1288.

(Given pursuant to section 4 of the Food and Drugs Act.)

ALLEGED ADULTERATION OF SAFFRON.

On August 28, 1911, the United States Attorney for the Southern District of New York filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of four cases of saffron in the possession of the Metropolitan Steamship Co. The cases containing said article bore the following marks:

Marked—	Weighing—
1 case "HBC"-----	31½ kilos
1 case "PEAC"-----	100 kilos
2 cases "SGO"-----	204 kilos

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results:

Ash (per cent)-----	24.42
Potassium -----	Present
Nitrates -----	Present
Boric acid -----	Present
Tartaric acid -----	Indicated
Potassium nitrate (per cent)-----	10.47
Borax (per cent)-----	9.90
Excess potassium as potassium tartrate (per cent)---	13.33

The libel alleged that the saffron, after shipment by William M. Proctor Co., of Boston, Mass., into the State of New York, consigned to Buhl Mills Co., remained in the original unbroken packages, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it contained a poisonous and deleterious substance which rendered said article injurious to health, to wit, potassium nitrate, and that the product was therefore liable to seizure for confiscation.

On October 7, 1911, the case coming on for hearing and the Buhl Mills Co. having appeared as claimant, the court entered a decree condemning and forfeiting the product to the United States as being

misbranded, and ordering it to be sold by the marshal, but with the proviso that the product should be released to claimant, upon the payment of all costs, and the execution of a good and sufficient bond in the sum of \$1,000, conditioned that said product should not be disposed of contrary to law; and shall be exported and landed without the limits of the United States.

It is to be noted that while the investigations of the Department of Agriculture showed that the product was adulterated in that potassium nitrate had been mixed and packed with it so as to reduce or lower or injuriously affect its quality and also in that potassium nitrate had been substituted wholly or in part for the article, and that while it was alleged in the libel that the article was adulterated in that it contained potassium nitrate, a poisonous and deleterious substance which renders the article injurious to health, the court by its decree found the product "misbranded as alleged in the libel herein," but there was no finding by the court that the product was adulterated, nor does the department maintain that potassium nitrate is a poisonous or deleterious substance.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 20, 1912.*

1288



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1289.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF VANILLA FLAVOR.

On November 18, 1911, the United States Attorney for the District of Maryland, acting upon a report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against William Haigh, trading as the William Haigh Co., alleging shipment by him, in violation of the Food and Drugs Act, on or about February 3, 1911, from the State of Maryland into the State of New Jersey, of a quantity of vanilla flavor which was adulterated. The product was labeled: "XXXX Vanilla Flavor. Guaranty Legend. Serial No. 6632. Highly Concentrated Extracts, Fruit Juices, etc. The William Haigh Co., Mfg. Chemists, 128 Calvert St., Baltimore, Md."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Vanillin, 0.34 per cent; coumarin, 0.06 per cent; iodine test, positive; lead number, 0.21; amyl alcohol, very small amount of natural color. Adulteration was alleged for the reason that a certain substance, to wit, vanillin, had been mixed with the said product so as to reduce, lower, and injuriously affect its quality and strength.

On November 18, 1911, the defendant pleaded guilty and was fined \$10.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *January 20, 1912.*

26861°—No. 1289—12

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1290.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF VINEGAR.

On October 24, 1911, the United States Attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against W. J. Wilson & Son, a partnership, alleging that on October 11, 1910, said W. J. Wilson & Son sold to the Powell Sanders Co. ten barrels of vinegar, which was adulterated, under a general guaranty that the said product was not adulterated or misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and that the Powell Sanders Co. relying upon the aforesaid guaranty, and without changing the product in any particular, except to draw it from the barrels in which it was sold, and bottle it, shipped the same on December 30, 1910, from the State of Washington into the State of Idaho. The product was labeled: "Le Roi Brand Absolutely Pure Cider Vinegar Packed by Powell-Sanders Co., Wholesale Grocers, Importers and Manufacturers, Spokane, Wash."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: "Specific gravity 15.6° C/15.6°C, 1.0104; glycerol (grams per 100 cc), 0.042; solids (grams per 100 cc), 1.43; nonsugar solids (grams per 100 cc), 1.01; sucrose by Clerget, none; reducing sugar dextrose (grams per 100 cc), 0.42; per cent sugar in solids, 29.4; polarization, direct, temperature 20°C, 7.7° V; polarization, invert, temperature 20°C, 7.3° V; ash (grams per 100 cc), 0.088; ash soluble in water (grams per 100 cc), 0.074; ash insoluble in water (grams per 100 cc), 0.014; alkalinity of soluble ash (cc N/10 acid 100 cc), 10.1; soluble phosphoric acid (mg per 100 cc), none; insoluble phosphoric acid (mg per 100 cc), 3.8; acid as acetic (grams

per 100 cc), 3.88; volatile acid, as acetic (grams per 100 cc), 3.87; fixed acid as sulphuric (grams per 100 cc), 0.014; lead precipitate, considerable; color, degrees, brewer's scale (0.5 in. cell), 7.5; color, caramel. Adulteration of the product was alleged as follows: That said vinegar was adulterated and an imitation and inferior product, in that said pretended cider vinegar was diluted, adulterated, and there had been introduced into and added to, and in part substituted for said pretended cider vinegar glucose, which adulteration then and there reduced, lowered, and injuriously affected the quality of said vinegar so sold and delivered as aforesaid.

On October 25, 1911, the defendant company pleaded guilty and was fined \$25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 20, 1912.*

1290

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1291.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF A PRODUCT CALLED DRUG HABIT CURE.

On July 31, 1911, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed information in the Circuit Court of the United States for said district against the St. James Society, a corporation, of New York City, alleging shipments by it, in violation of the Food and Drugs Act, on or about March 2, 1909, and June 5, 1909, from the State of New York into the District of Columbia, of a drug product called "Drug Habit Cure", which was misbranded. Sample designated I. S. No. 16574-a was labeled "Prepared only and expressly for L. F. Kay. To be taken as directed. Alcohol 9.52 per cent; morphine maximum gr. 3.57 per fluid ounce."

Analysis of two lots of bottles containing said product and numbered I. S. Nos. 16574-a and 16596-a, respectively, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the product to contain, among other ingredients, the following:

I. S. No. 16574-a.

	Morphin (grains per ounce).	Calculated as morphin sulphate (grains per ounce).	Alcohol by volume.
Bottle 1-----	3.34	4.18	9.95
Bottle 2-----	3.66	4.58	10.25
Bottle 3-----	3.68	4.61	10.25
Bottle 4-----	3.34	4.18	10.25
Bottle 5-----	3.42	4.27	10.25
Bottle 6-----	3.34	4.18	10.25
Bottle 7-----	3.68	4.61	10.25
Bottle 8-----	3.66	4.58	9.95
Bottle 9-----	3.34	4.18	9.75
Bottle 10-----	3.41	4.26	9.25

I. S. No. 16596-a.

	Morphin (grains per ounce).	Calculated as morphin sulphate (grains per ounce).	Alcohol by volume.
Bottle 1-----	2.18	2.74	10.4
Bottle 2-----	2.06	2.58	10.6
Bottle 3-----	2.13	2.67	10.6
Bottle 4-----	2.16	2.70	11.2
Bottle 5-----	2.13	2.67	10.0
Bottle 6-----	2.16	2.70	11.2
Bottle 7-----	2.16	2.70	10.8
Bottle 8-----	2.06	2.58	11.0
Bottle 9-----	2.13	2.67	11.0
Bottle 10-----	2.13	2.67	11.2

Misbranding was alleged against said product because it was labeled so as to mislead the purchaser, in that the label bore a statement regarding the article which was false and misleading, in that said article contained alcohol and morphin and the amount or proportion of such morphin contained therein was different in quantity and proportion from the proportion and quantity stated on the label.

On October 31, 1911, the defendant pleaded guilty and was fined \$25.

Through error the label on sample designated I. S. No. 16596-a was not submitted to the United States Attorney. The label on this sample is as follows: "Alcohol 9.52 per cent., morphine maximum grs., 2.38 per fl. oz."

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 20, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1292.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF VANILLA EXTRACT.

At the May term, 1911, of the United States District Court for the Middle District of Pennsylvania, the United States Attorney for said district, acting upon a report by the Secretary of Agriculture, filed information in said court against the Acme Extract and Chemical Works, Hanover, Pa., alleging shipment by it, in violation of the Food and Drugs Act, on or about August 24, 1910, from the State of Pennsylvania into the District of Columbia of one barrel of vanilla extract which was adulterated. The product bore no label, but was sold and invoiced as "Vanilla Extract."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Vanillin, 0.37 per cent; resins (reactions O. K.), 0.01 per cent; coumarin (Leach test positive), 0.13 per cent; alcohol, 32.84 per cent. Adulteration was alleged against said product for the reason that a substitute, to wit, an imitation vanilla extract, had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the real article.

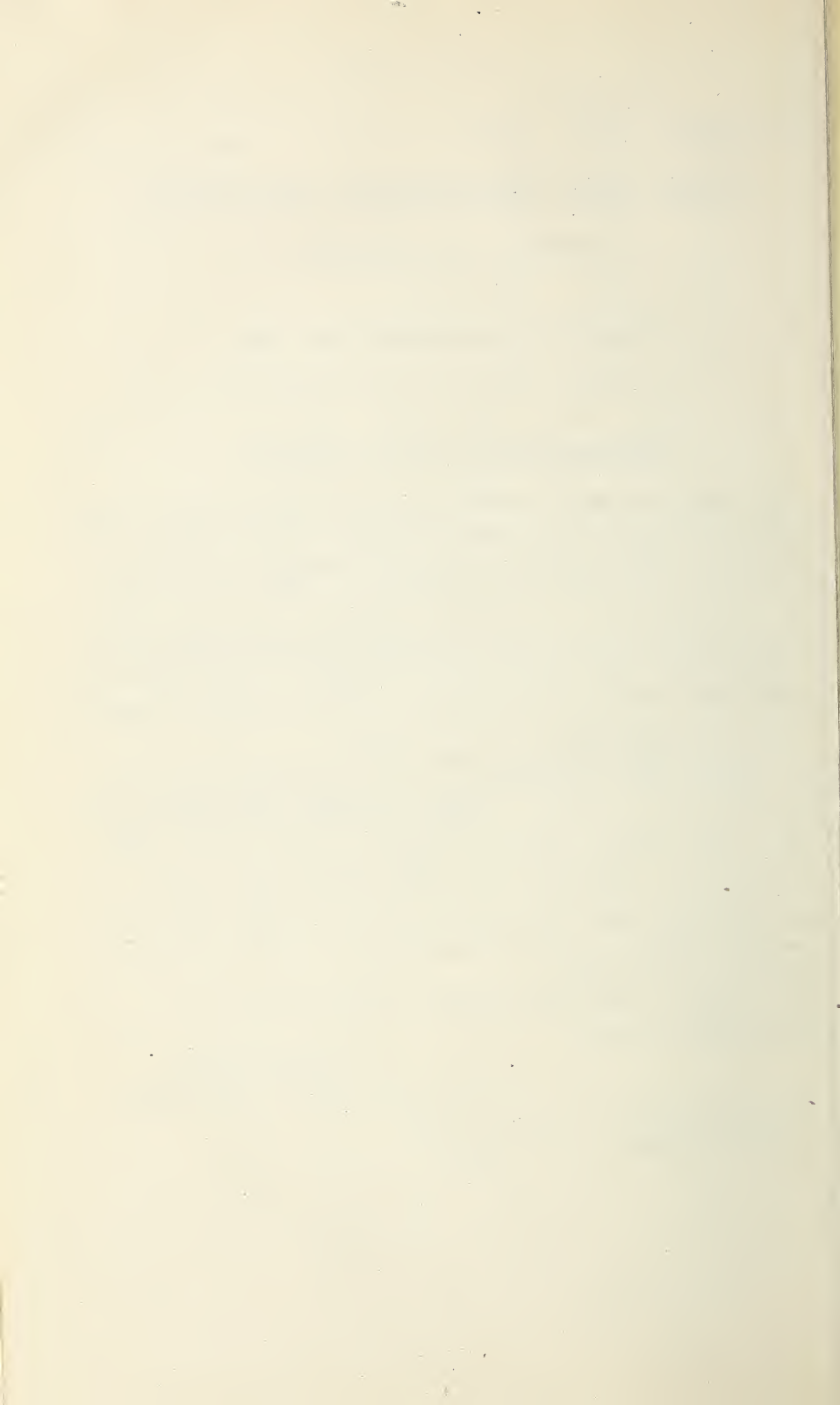
On October 24, 1911, the defendant pleaded *nolo contendere* and was fined \$10 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 20, 1912.*

26861°—No. 1292—12





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1293.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CONTINENTAL GLUTEN FEED.

On February 21, 1911, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Continental Cereal Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about February 19, 1910, from the State of Illinois into the State of Indiana of a quantity of gluten feed which was misbranded. The product was labeled: (On bag) "100 lbs. Continental gluten feed—fat 14%, protein 33% on dry basis. Continental Cereal Co., Peoria, Ill., U. S. A." (On tag attached to bag) "No. 2204, 100 lbs. Continental Cereal Co. of Peoria, Ill., guarantees this Continental gluten feed to contain not less than 13.5% of crude fat, 31.0% of crude protein and to be compounded from the following ingredients: corn, oats and malt. W. L. Jones, Jr., State Chemist, Purdue University Agricultural Experiment Station, Lafayette, Ind. Not good for more than 100 pounds."

Analysis and examination of a sample of said product by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Moisture, 7.57 per cent; ether extract, 11.44 per cent, dry basis, 12.38 per cent; protein, 27.47 per cent, dry basis, 29.72 per cent. Microchemical examination: Contains trace of oat hulls and large amount of corn bran. It appears to be at least half bran. Misbranding was alleged against said product for the reason that the statement upon the bag regarding the ingredients and substances contained therein was false and misleading in that the amount of fat on the dry basis therein contained was less than 14 per cent and the amount of protein on the dry basis therein contained was less than 33 per cent, and further because the amount of crude fat therein contained was less than 13.5 per cent and the amount of crude protein therein contained was less than 31 per cent, as provided for by the statement on the tag attached to the bag. The statements on the label were, therefore, false and misleading and calculated to deceive and mislead the purchaser.

On October 17, 1911, the defendant entered a plea of nolo contendere and was fined \$10 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 20, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1294.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CONTINENTAL GLUTEN FEED.

On February 21, 1911, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Continental Cereal Co., of Peoria, Ill., alleging shipment by it, in violation of the Food and Drugs Act, on or about February 19, 1910, from the State of Illinois into the State of Indiana of one bag of stock feed which was misbranded. The product was labeled: (On bag) "100 lbs. Continental Gluten Feed. Fat 14%, Protein 33% on dry basis. Continental Cereal Co., Peoria, Ill. U. S. A." (On tag attached to bag) "No. 2204 100 Pounds Continental Cereal Co., of Peoria, Ills., Guarantees this Continental Feed to contain not less than 13.5 per cent of crude fat, 31.0 per cent of crude protein and to be compounded from the following ingredients: Corn, Oats, and Malt."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results:

	Original. Per cent.	Dry basis. Per cent.
Moisture	7. 74	-----
Ether extract.....	11. 50	12. 47
Protein.....	27. 88	30. 22
Crude fiber	9. 62	10. 43

Misbranding was alleged for the reason that the labels represented the product to contain 14 per cent fat and 33 per cent protein expressed on the dry basis, when, in fact, it contained a lesser amount of said ingredients, to wit, 12.47 per cent fat and 30.22 per cent protein, and further in that the amount of crude fat contained in the product was less than 13.5 per cent and the amount of crude protein was less than 31 per cent as stated on the tag attached to the bag. The statements on the label were therefore false and misleading and calculated to deceive and mislead the purchaser.

On October 17, 1911, the defendant entered a plea of nolo contendere and was fined \$10 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 20, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1295.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF COFFEE.

At the November term, 1910, of the United States Circuit Court for the Eastern District of Louisiana, the United States Attorney, acting upon a report by the Secretary of Agriculture, filed two informations in said court against the Smith Bros. Co. (Ltd.), a corporation, alleging shipments by it, in violation of the Food and Drugs Act, on or about March 10, 1910, and March 14, 1910, respectively, from the State of Louisiana into the State of Mississippi of a quantity of coffee which was adulterated and misbranded. The product in each case was labeled: "African Brand Java Blend Chicory and Coffee, one pound net weight. Roasted and packed by Crescent Coffee Mills, New Orleans."

Samples taken from each of the consignments and numbered I. S. 14941-b and 10758-b were examined by the Bureau of Chemistry of the United States Department of Agriculture, which reported as follows: I. S. No. 14941-b: "About one-third each of Dutch East Indian, Santos and Mexican." I. S. No. 10758-b: "The package contains a mixture of coffee and chicory. About three parts low grade Rio and about one part chicory." Adulteration was charged in each of the informations against these products for the reason that the products contained no Java coffee but consisted of a mixture of low grade Rio coffee and chicory, and that Rio coffee had been substituted for the Java coffee represented by the said labels to be contained in said article, and further that Rio coffee had been mixed and packed with said article so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged in each of the informations against the said products for the reason that the labels bore the statements that the coffee was a blend of Java coffee and chicory, which statements were false and misleading, as the products contained no Java coffee but were mixtures of a low grade Rio coffee and chicory, and further in that the labels were such as to deceive and mislead the purchaser into believing that the products contained Java coffee when in fact they did not, but were mixtures of Rio coffee and chicory.

The defendant entered a plea of guilty to both informations and was fined \$10 and costs amounting to \$40.40.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 20, 1912.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1296.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF FROZEN EGGS.

On September 15, 1911, the United States Attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed an information in the District Court of the United States for said district against the Omaha Cold Storage Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about October 7, 1910, from the State of Nebraska into the State of Missouri of a quantity of frozen eggs which were adulterated. The product was labeled: "Omaha Cold Storage Co., Omaha, Neb., Loose-Wiles Biscuit Co., St. Louis, Mo."

A microscopical examination of a sample of said product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be a poor looking product, part of a dirty eggshell and excelsior found; mold present; appearance of spot eggs. A bacteriological examination showed the presence of an excessive number of organisms, including 1,000,000 *B. coli* group, indicating a filthy and decomposed animal substance. Adulteration was alleged for the reason that the product consisted of a filthy, decomposed, and putrid animal or vegetable substance which had been mixed and packed with said product so as to reduce, lower, and injuriously affect its quality.

On September 15, 1911, the defendant company entered a plea of *nolo contendere* and was fined \$25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 20, 1912.*

United States Department of Agriculture,
OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1297.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF APPLE CIDER VINEGAR.

On February 24, 1910, the United States Attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed two informations in the District Court of the United States for said district against the Board, Armstrong & Co. Corporation, a corporation, of Alexandria, Va., alleging shipments by it, in violation of the Food and Drugs Act, on February 1, 1909, and September 19, 1908, respectively, from the State of Virginia into the States of North Carolina and Minnesota, of a quantity of so-called apple cider vinegar which was adulterated and misbranded.

The product shipped into North Carolina was labeled: "Robin Hood Brand Pure Apple Cider Vinegar. Guaranteed by R. C. Williams & Co. under the Food and Drugs Act, June 30, 1906, Serial No. 1811," and the product shipped into Minnesota was labeled "Board-Armstrong Co., White House Brand Pure Apple Cider Vinegar, Alexandria and Winchester, Va."

Analyses of samples from each of said consignments made by the Bureau of Chemistry, United States Department of Agriculture, showed the following results:

Robin Hood Brand (I. S. 16972-a).

Solids (grams per 100 cc).....	1. 80
Non-sugar solids (grams per 100 cc). 88
Reducing sugar invert (grams per 100 cc).....	. 92
Per cent sugar in solids.....	51. 11
Polarization, direct, temperature 20° C.....	-2. 1
Ash (grams per 100 cc).....	. 40
Alkalinity of soluble ash (cc N/10 acid 100 cc).....	44. 4
Soluble phosphoric acid (mg per 100 cc).....	37. 20
Insoluble phosphoric acid (mg per 100 cc).....	5. 00
Acid as acetic (grams per 100 cc).....	4. 12
Volatile acid, as acetic (grams per 100 cc).....	4. 11
Fixed acid as malic (grams per 100 cc).....	. 01
Lead precipitate.....	Small.
Color, degrees, brewer's scale (0.5 in. cell).....	5. 0
Color removed by fuller's earth (per cent).....	60. 0

White House Brand (I. S. 20603-a).

Solids (grams per 100 cc).....	1.87
Non-sugar solids (grams per 100 cc).....	.92
Reducing sugars (grams per 100 cc).....	.95
Polarization, direct, temperature 20° C.....°V..	-1.8
Polarization, invert, temperature 20° C.....°V..	-1.7
Ash (grams per 100 cc).....	.4
Alkalinity of ash (cc N/10 HCl).....	38.7
P ₂ O ₅ insoluble ash (mg per 100 cc).....	6.2
P ₂ O ₅ soluble ash (mg per 100 cc).....	39.3
Total acid (grams per 100 cc).....	4.92
Fixed acid (grams per 100 cc).....	.04
Lead number.....	Satisfactory.
Color removed by fuller's earth (per cent).....	58.0
Color by the tintometer.....	4.0

Adulteration was alleged in each of the informations against the respective products for the reason that a certain substance, to wit, a mixture of a foreign material high in reducing sugars and dilute acetic acid, had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part therefor. Misbranding was alleged in each information against each of the products for the reason that each product was labeled and branded so as to mislead and deceive the purchaser and bore statements on the labels which were false and misleading, in that said products were represented to be apple cider vinegar, when in fact they were not apple cider vinegar but a mixture of dilute acetic acid and a foreign material high in reducing sugars.

On October 14, 1911, the defendant entered a plea of nolo contendere in each of the two cases and was fined \$20 and costs in each case.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 22, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1298.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VINEGAR.

On June 22, 1911, the United States Attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 100 barrels of vinegar in the possession of A. M. Richter & Son, Manitowoc, Wis. The product was labeled: "Guaranteed cider vinegar—4½ per centum, Spielmann Brothers Co., Mfrs. 1520;" and other end: "R. Manitowoc, Wisc."

Examination of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Solids (grams per 100 cc), 1.69; nonsugar solids (grams per 100 cc), 0.97; reducing sugar invert after evaporation (grams per 100 cc), 0.72; ash (grams per 100 cc), 0.39; total phosphoric acid (mg per 100 cc), 24.4; total acid, as acetic (grams per 100 cc), 4.47; volatile acid, as acetic (grams per 100 cc), 4.46; fixed acid, as malic (grams per 100 cc), 0.01; glycerine (grams per 100 cc), 0.15; pentosans (grams per 100 cc), 0.08; alkalinity of soluble ash (cc of N/10 acid), 40; per cent of sugar in solids, 42.6; polarization direct 27.4° C., -0.9° V.; lead precipitate, good; ash in solids, 23 per cent; color in degrees on 0.5 inch brewer's scale, 4. The libel alleged that the vinegar, after shipment by Spielmann Bros. Co., Chicago, Ill., from the State of Illinois into the State of Mississippi, remained in the original unbroken packages and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged for the reason that a substance, to wit, distilled vinegar, had been mixed and packed with the product so as to reduce

or lower and injuriously affect its quality and strength, and had been substituted wholly or in part for the article. Misbranding was alleged for the reason that the product was an imitation of cider vinegar and was sold under the distinctive name of "Guaranteed cider vinegar—4½ per centum" when in fact said vinegar was not cider vinegar but consisted wholly or in part of a mixture of dilute acetic acid. Misbranding was further alleged because the label bore the statement "Guaranteed cider vinegar" in such form and was displayed in such manner as to give the impression that the product was pure cider vinegar when in fact an unlike substance, to wit, distilled vinegar, had been intermingled therewith and substituted wholly or in part for said vinegar; the statements on the label were therefore false and misleading and calculated to mislead and deceive the purchaser.

On September 9, 1911, no one having appeared as claimant, the court found the product to be misbranded, and condemned and forfeited it to the United States, ordering it to be disposed of by the marshal, with the proviso that in case the marshal could not dispose of the product by sale, in that event the vinegar should be destroyed.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 22, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1299.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF SARDINES.

On November 22, 1910, the United States Attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 800 barrels of sardines found in certain freight cars on the tracks of Boston and Maine freight yards in Portland.

Inspection of 500 barrels of said product made by the Boston inspectors of the Bureau of Chemistry, and also by Dr. W. D. Bigelow, Chief of the Food Division of the Bureau of Chemistry, resulted in a report that the product was decomposed, filthy, and unfit for food. The inspectors also procured several affidavits of sardine packers in the vicinity of Boston to the effect that this particular consignment was in an advanced stage of decomposition. The libel alleged that the sardines, after shipment by Frank New Co., Boston, Mass., from the State of Massachusetts into the State of Maine, remained in the original unbroken packages, and were adulterated in violation of the Food and Drugs Act of June 30, 1906, because they consisted in whole or in part of a filthy, decomposed, and putrid matter, and were therefore liable to seizure for confiscation.

On November 23, 1910, the case coming on for hearing and the Frank New Co. appearing as claimants, the court entered a decree finding the product adulterated as alleged in the libel, condemning and forfeiting it to the United States, but authorizing it to be released to claimants upon the payment of costs and giving bond in a sum satisfactory to the court conditioned that the product should not be again sold contrary to law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 22, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1300.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF DRIED EGG ALBUMEN.

On July 13, 1910, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court for said district a libel praying condemnation and forfeiture of one barrel of dried egg albumen in the possession of the Dry Egg Co., of St. Louis, Mo. The product was labeled: "The W. K. Jahn Company, 49 Franklin St., Chicago, for the Dry Egg Company, 106 South Main Street, St. Louis, Mo."

Examination of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed it to contain borate equivalent to 0.10 per cent boric acid. The libel alleged that the product, after transportation from the State of Illinois into the State of Missouri, remained in the original unbroken package, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it contained an added poisonous or deleterious ingredient which rendered such article injurious to health, and was therefore liable to seizure for confiscation.

The cause coming on to be heard, and no one having appeared as claimant, the court found the product adulterated as alleged in the libel and condemned and forfeited it to the use of the United States, and ordered its destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 22, 1912.*

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FOODS.

	N. J. No.		N. J. No.
Alaga Alabama-Georgia sirup:		Color, Red cake:	
Alabama-Georgia Syrup Co.....	1187	Forbes, James H., Tea & Coffee Co.....	1057
Albumen, Dried egg:		Color, Yellow cake:	
Jahn, W. K., Co.....	1300	Forbes, James H., Tea & Coffee Co.....	1057
Almond extract. (<i>See</i> Extract, Almond.)		Condensed milk. (<i>See</i> Milk, Condensed.)	
Apple and sugar, Preserved peach:		Continental gluten feed:	
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Apple cider vinegar. (<i>See</i> Vinegar.)		Corn, Cracked:	
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Kalchheim, Henry, & Co.	1046	Richter Mfg. Co.	1061
Keith, H. J., Co. (Inc.)	1027	St. Louis Coffee & Spice Mills	1099
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Extract, Almond (bitter):		Western Grain Products Co.	1094
Christiani Drug Co. (Inc.)	1126	Feeds, Peerless:	
Extract, Banana:		Smith, J. Allen, & Co. (Inc.)	1141
Forbes, James H., Tea & Coffee Co.	1057	Feeds, Peerless horse:	
Extract, Cinnamon:		Kidder, F. L. & Co.	1176
California Perfume Co.	1217	Feeds. (See also Corn, Cracked; Middlings;	
Extract, Ginger:		Oats.)	
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California Perfume Co.	1229	Fish. (See Herring; Shad.)	
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Christiani Drug Co. (Inc.)	1126	Frozen eggs. (See Eggs, Frozen.)	
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Horton-Cato Mfg. Co.	1266	Chalmers', James, Sons.	1127, 1128
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Extract, Orange:		Continental Cereal Co.	1293, 1294
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Forbes, James H., Tea & Coffee Co.	1057	Hygienic Health Food Co.	1265
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Forbes, James H., Tea & Coffee Co.	1057	Hammond dairy feed:	
Extract, Peppermint:		Western Grain Products Co.	1094
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Fleischmann-Clark Co.	1238	_____	1260
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Rosenblatt Co.	1230	Honey:	
Extract, Pineapple:		Deiser, Albert A., & Co.	1123
Forbes, James H., Tea & Coffee Co.	1057	Hotch, Vermont maple butter:	
Extract, Pistachio:		Maple Tree Sugar Co.	1164
Western Candy & Bakers Supply Co.	1041	Ice-cream cones:	
Extract, Raspberry:		Consolidated Wafer Co. (Inc.)	1073
California Perfume Co.	1217	Jam, Apricot:	
Forbes, James H., Tea & Coffee Co.	1057	McMechen Preserving Co.	1276
Wellman, Peck & Co.	1212	Jam, Blackberry:	
Extract, Rose geranium:		McMechen Preserving Co.	1276
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Extract, Strawberry:		Braun Branch)	1097
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Christiani Drug Co. (Inc.)	1126	McMechen Preserving Co.	1276
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California Fruit Cannery's Association	1235	Milk, Powdered:	
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McMechen Preserving Co.	1276	Brenneman, W. H.	1067
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Scully, D. B., Syrup Co.	1172	Arbuckle & Co.	1037
Jelly Raspberry:		Mustard:	
California Fruit Cannery's Association	1235	Wilde, Joseph P.	1239
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Heine & Co.	1220	Northern Ohio sugar:	
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Bradley-Smith Co.	1243	Nutmegs:	
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Mauil Bros.	1278	Oats:	
Youngstown Mfg. Co.	1145	Gibbons, John T.	1250
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Maple sugar:		Pendleton Grain Co. (Inc.)	1250
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Hudson, Leonard.	1083	Decker, Garrett F., & Co.	1192
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McAvoy, Dan.	1083	Atlantic & Pacific Tea Co.	1066
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Oser, Charles.	1083	Peach extract. (See Extract, Peach.)	
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Regel, Henry.	1092	Peaches:	
Rounds, E. R.	1130	Seeley, A. B., & Son.	1262
Schuck, A. H.	1083	Peanuts:	
Schuck, Jerome.	1083	Edenton Peanut Co.	1263
Schulte, L. H.	1083	Peas:	
Shorten, J. W.	1129	Boyle, John, Co.	1280
Smith, Charles E.	1083	Peerless feed:	
Smith, Howard L.	1161	Smith, J. Allen, & Co. (Inc.)	1141
Thomas, Russel C.	1236	Peerless horse feed:	
Walter Chas. A.	1132	Kidder, F. L., & Co.	1176
Zimmerman, Benjamin F.	1131	Pepper:	
Milk, Condensed:		Cobb Mfg. Co.	1257
Delavan Condensed Milk Co.	1028	Eddy & Eddy Mfg. Co.	1118
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Preserves, Currant:		Lewis Packing Co.....	1241
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Griffith, R. C., & Co.....	1274	Braun Branch).....	1072, 1098
Raspberry extract. (See Extract, Rasp-		Philadelphia Pickling Co.....	1075
berry.)		Polk, J. T., Co.....	1090
Raspberry jam. (See Jam, Raspberry.)		Pressing & Orr Co.....	1213
Raspberry jelly. (See Jelly, Raspberry.)		Soper, A. C., & Co.....	1055
Raspberry sirup. (See Sirup, Raspberry.)		Spraul, George, Packing Co.....	1044,
Rice:		1271 (suppl. to 1044)	
Alliance Rice & Milling Co.....	1177	Weller, H. N., & Co.....	1196
Cormier, Chas. E., Rice Co.....	1177	Weller, J., Co.....	1199, 1201
Griggs, Cooper & Co.....	1177	Tomato ketchup, Oyster Bay Brand:	
Louisiana Molasses Co.....	1030	1085
Rose geranium extract. (See Extract, Rose		Tomato ketchup, Pioneer Brand:	
geranium.)		1086
Rosebud drips sirup:		Tomato paste:	
Gordon Syrup & Pickle Co.....	1240	Horner, Henry, & Co.....	1008
Saffron:		Kelty, Samuel L.....	1227
Buhl Mills Co.....	1288	Polinsky, H.....	1001
Proctor, William M., Co.....	1288	Roncoroni, Pietro, Co.....	1053, 1065, 1231
Sardines:		Tomato pulp:	
New, Frank, Co.....	1299	Ayars, B. S., & Sons Co.....	1064
Shad:		Hearn Co.....	1267
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Claxton, Richard W.....	1021	Summers, Charles G., & Co. (Inc.).....	1268
Shelled eggs. (See Eggs, Shelled.)		Torsch Packing Co.....	1270
Sirup, Alaga Alabama-Georgia:		Tomato purée:	
Alabama-Georgia Syrup Co.....	1187	New Blue Grass Canning Co.....	1106
Sirup, Orange (blood):		Tomato sauce:	
Stewart & Holmes Drug Co.....	1156	Gross, Ignatius, Co.....	1242
Sirup, Raspberry:		Tomatoes:	
Stewart & Holmes Drug Co.....	1156	Ayars, Clinton B., Canning Co.....	1237
Sirup, Rosebud drips:		Polk, J. T., Co.....	1090
Gordon Syrup & Pickle Co.....	1240	Tonka extract, Vanilla and. (See Extract,	
Sodic aluminic sulphate:		Vanilla and tonka.)	
Superior Chemical Co.....	1105	Vanilla extract. (See Extract, Vanilla.)	
Strawberry extract. (See Extract, Straw-		Vermont maple butter hotch:	
berry.)		Maple Tree Sugar Co.....	1164
Strawberry jam. (See Jam, Strawberry.)		Vinegar:	
Sugar corn flakes:		1036
Grain Products Co.....	1042	Barrett & Barrett.....	1206
Scudders-Gale Grocery Co.....	1042	Board, Armstrong & Co.....	1023, 1297
Sugar, Maple. (See Maple sugar.)		Callahan, A. P., & Co.....	1151
Sugar, Northern Ohio:		Chandler, B. T., & Son.....	1050, 1059
Standard Syrup Co.....	1101	Erdmann's, H., Sons.....	1184
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Tomato ketchup:		Lewis Packing Co.....	1241
Anderson Canning Co.....	1004	Louisville Cider & Vinegar Works.....	1225
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Sharp Elliott Mfg. Co.....	1007	De Boer & Dik.....	1039
Southern Cider & Vinegar Co.....	1252	Wheat:	
Spielmann Bros. Co.....	1159, 1200, 1298	Hall Baker Grain Co.....	1135, 1173
Vermont Fruit Co.....	1167	Walker Grain Co.....	1173
Wilson, W. J., & Son.....	1119, 1120, 1290	Wintergreen extract. (See Extract, Wintergreen.)	
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Apricot brandy. (See Brandy, Apricot.)		Grape juice:	
Beer:		Duroy & Haines Co.....	1283
Benwood Brewing Co.....	1272	Flickinger, S. M., Co.....	1045
"Bernardine":		Granger, W. H., & Co.....	1045
Lyons, E. G., & Raas Co.....	1247	Grape Products Co. (Inc.).....	1045
Berry Hill mineral water:		Plimpton, Cowan & Co.....	1045
Berry Hill Mineral Spring Co.....	1251	Mobile Buck Gin:	
Blackberry cordial:		Blumenthal & Bickert (Inc.).....	1089
Arrow Distilleries Co.....	1205	Orange curaçao. (See Curaçao, Orange.)	
Lyons, E. G., & Raas Co.....	1247	Royal lithia water:	
Brandy, Apricot:		Anderson, William H.....	1032
Schlesinger & Bender.....	1248	Sirup, Tamarind:	
Brandy, Ginger:		Bernogozzi, W. P.....	1082
Schlesinger & Bender.....	1248	Soda-water flavor, Cherry:	
"Cacao, Crème de":		Blue Seal Supply Co.....	1040
Lyons, E. G., & Raas Co.....	1247	Soda-water sirup cola:	
"Cassis, Crème de":		Hutchinson, W. H., & Son.....	1031
Lyons, E. G., & Raas Co.....	1247	Special wild-cherry soda-water flavor:	
Champagne. (See Wine, Champagne.)		Blue Seal Supply Co.....	1040
Cherry soda-water flavor, Special wild:		Tamarind sirup. (See Sirup, Tamarind.)	
Blue Seal Supply Co.....	1040	Tate Spring natural mineral water:	
Coffee:		Tate Spring Co.....	1140
Bour, J. M., Co.....	1286	Tomlinson, Oscar R.....	1140
Brokaw Merchandise Co.....	1014	Turkey gin. (See Gin, Turkey.)	
Climax Coffee & Baking Powder Co.....	1017	Water, Berry Hill mineral:	
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International Coffee Co.....	1190, 1191, 1233	Water, Royal lithia:	
Israel, Leon, & Bros.....	1084	Anderson, William H.....	1032
Kenny, C. D., Co.....	1279	Water, Tate Spring natural mineral:	
McLaughlin, W. F., & Co.....	1112	Tate Spring Co.....	1140
Smith Bros. Co. (Ltd.).....	1295	Tomlinson, Oscar R.....	1140
Wilde's, Samuel, Sons Co.....	1125	Water, Whittle's epsom-lithia:	
Coffee essence:		Whittle Springs Co.....	1139
Zverina, A.....	1189	Whisky:	
Cordial. (See Blackberry cordial.)		McCormack, J. A.....	1111
"Crème de Cacao":		Whittle's epsom-lithia water:	
Lyons, E. G., & Raas Co.....	1247	Whittle Springs Co.....	1139
"Crème de Cassis":		Wine:	
Lyons, E. G., & Raas Co.....	1247	Dorn, John G.....	1016 (suppl. to 83)
Curaçao, Orange:		Schmidt, A., Jr., & Bros. Wine Co.....	1016
Lyons, E. G., & Raas Co.....	1247	(suppl. to 83)	
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Ginger ale:		Groezinger, Emile A.....	1020
Beaufont Lithia Water Co.....	1026	Lyons, E. G., & Raas Co.....	1247
Ginger brandy. (See Brandy, Ginger.)		Ripin & Co.....	1149
		Schraubstadter, Ernest.....	1020
		Wilson Fruit Juice Co.....	1226

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Antikamnia Chemical Co.....	1056	Towns', Dr., Medical Co.....	1170
Antimalarico, Ferro-China:		Fernet-Branca bitters:	
Saunig, A., & Co.....	1222	Maiolatesi, D., & Co.....	1284
Asthma, Dr. Tucker's specific for:		(Fernet milano) bitters:	
Tucker, Nathan.....	1077	Italian Importing Co.....	1152
Asthma cure, Stello's:		Ferro-China Antimalarico:	
Muller, William H.....	1179	Saunig, A., & Co.....	1222
Baby's Friend, Kopp's:		Ferro-China Bisleri-Bisleri's bitters:	
Kopp, Mrs. J. A.....	1068	Maiolatesi, D., & Co.....	1284
Bitters, Fernet-Branca:		Fever and pain powder, Dixie:	
Maiolatesi, D., & Co.....	1284	Morris-Morton Drug Co.....	1178
Bitters (Fernet Milano):		Gessler's magic headache wafers:	
Italian Importing Co.....	1152	Gessler, Max.....	1051
Bitters, Ferro-China Bisleri-Bisleri's:		Gold medal coffee cocktail:	
Maiolatesi, D., & Co.....	1284	Mihalovitch Co.....	1282
Boro Pepsin, Laxative:		Gum, Chewing:	
Senoret Chemical Co.....	1232	Sterling Remedy Co.....	1078
Brain Restorative, Dr. Peeble's:		Hair balsam:	
Peeble's, Dr., Institute of Health (Ltd.).	1079	Wells, E. S.....	1228
Cancer, Dr. Johnson's mild combination		Hall's catarrh cure:	
treatment for:		Cheney, F. J.....	1182
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Cheney, F. J.....	1182	Peck-Johnson Co.....	1157
Cheney Medicine Co.....	1182	Headache wafers, Gessler's magic:	
Cough drops, Williams' Russian:		Gessler, Max.....	1051
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Cerrodanie capsules:		Kennedy, Dr. David, Co.....	1234
Cerrodanie Co.....	1025	Hoxsie's croup remedy:	
Jameson, Samuel H.....	1025	Kells Co.....	1218
Cherry balsam, Dr. Kennedy's:		Infants' syrup, Coderre's:	
Kennedy, Dr. David, Co.....	1234	Mortimer, George, & Co.....	1277
Chewing gum. (See Gum, Chewing.)		Johnson's, Dr., mild combination treatment	
Cholera mixture, Sun:		for cancer:	
Merchants' Drug Corporation.....	1063	Johnson, O. A.....	1058 (suppl. to 266)
Coca calisaya:		Kamala, ground:	
Shepard Pharmacal Co.....	1219	Woodward, Allaire & Co.....	1011
Cocktail, gold medal coffee:		Kennedy's, Dr., cherry balsam:	
Mihalovitch Co.....	1282	Kennedy, Dr. David, Co.....	1234
Cod liver oil cream, Morse's:		Kennedy's, Dr., Herculine tonic:	
Morse, Hazen.....	1221	Kennedy, Dr. David, Co.....	1234
Coderre's Infants' syrups:		Kennedy's, Dr., worm syrup:	
Mortimer, George, & Co.....	1277	Kennedy, Dr. David, Co.....	1234
Coffee cocktail, gold medal:		Kline's, Dr., great nerve restorer:	
Mihalovitch Co.....	1282	Kline, Dr. R. H., Co.....	1070
Colocynth, Powdered:		Kopp's Baby's Friend:	
Woodward, Allaire, & Co.....	1012	Kopp, Mrs. J. A.....	1068
Cream, Morse's (cod liver oil):		La Sanadora:	
Morse, Hazen.....	1221	Romero, Benigo.....	1076
Croup remedy, Hoxsie's:		Laudanum:	
Kells Co.....	1218	Merchants' Drug Corporation.....	1063
Detchon's, Dr., relief for rheumatism:		Laxative Boro Pepsin:	
Detchon, I. A.....	1091	Senoret Chemical Co.....	1232
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Detchon, I. A.....	1091	Hollowell, A. K.....	1093
Dixie fever and pain powder:		New Vienna Medicine Co.....	1093
Morris-Morton Drug Co.....	1178	Moffett's, Dr., Teethina:	
Drug habit cure:		Flourney, T. N.....	1019
St. James Society.....	1291	Moffett, C. J., Medicine Co.....	1019
Epilepsy cure:		Morse's cream:	
Peeble's, Dr., Institute of Health (Ltd.).	1079	Morse, Hazen.....	1221
Epilepsy remedy, Dr. Lindley's:		Nerv-Tonic, Dr. Peeble's:	
Hollowell, A. K.....	1093	Peeble's, Dr., Institute of Health (Ltd.).	1079
New Vienna Medicine Co.....	1093		

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Kline, Dr. R. H., Co.....	1070	Huber & Fuhrman Drug Mills.....	1009,1010
Nitre, Sweet spirits of:		Stello's asthma cure:	
Merchants' Drug Corporation.....	1063	Muller, William H.....	1179
Oxidine:		Sun cholera mixture:	
Patton-Worsham Drug Co.....	1035	Merchants' Drug Corporation.....	1063
Pain powder, Dixie fever and:		Sweet spirits of nitre:	
Morris-Morton Drug Co.....	1178	Merchants' Drug Corporation.....	1063
Peck's headache powders:		Sweet's honey vermifuge:	
Peck-Johnson Co.....	1157	Van Vleet-Mansfield Drug Co.....	1113
Peeble's, Dr., Brain Restorative:		Teethina, Dr. Moffett's:	
Peeble's, Dr., Institute of Health (Ltd.).	1079	Flourney, T. N.....	1019
Peeble's, Dr., Nerv-Tonic:		Moffett, C. J., Medicine Co.....	1019
Peeble's, Dr., Institute of Health (Ltd.).	1079	Towns', Dr., epilepsy treatment:	
Pepsin, Laxative Boro:		Towns', Dr., Medical Co.....	1170
Senoret Chemical Co.....	1232	Tucker's, Dr., specific for asthma:	
Peroxid cream, A. D. S.:		Tucker, Nathan.....	1077
American Druggists Syndicate.....	1194	Turpentine:	
Radio-sulpho:		Gilman, Z. D.....	1022
Schuch, Philip, jr.....	1049	Pennsylvania Alcohol & Chemical Co....	1124
Radio-sulpho brew:		Vermifuge, Sweet's honey:	
Schuch, Philip, jr.....	1049	Van Vleet-Mansfield Drug Co.....	1113
Rheumatic cure:		"Vino Vito":	
Fitch Remedy Co.....	1024	American Cordial & Distilling Co.....	1215
Rheumatism, Dr. Detchon's relief for:		Williams' Russian cough drops:	
Detchon, I. A.....	1091	Williams, J. D., & Bro. Co.....	1197
Rheumatism tablets, Dr. Detchon's relief for:		Worm syrup, Dr. Kennedy's:	
Detchon, I. A.....	1091	Kennedy, Dr. David, Co.....	1234



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1301.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF ICE CREAM CONES.

On April 17, 1911, the United States Attorney for the Western District of Oklahoma, acting upon reports by the Secretary of Agriculture, filed information in three counts in the District Court of the United States for said district against the Star Wafer Co., a corporation, alleging shipments by it, in violation of the Food and Drugs Act, of an adulterated product on the dates and in the manner following: On July 9, 1910, shipment was made from the State of Oklahoma into the State of Texas of a consignment of ice cream cones which were adulterated. The product was labeled: (On shipping case) "Ice Cream Cones from Star Wafer Co., Oklahoma City, Okla. To C. H. Cox & Co., Waco, Texas. Color 4—24's 2-P—2-Y. Plain Bx. Pink."

Analysis of a sample of said product, made by the Bureau of Chemistry, United States Department of Agriculture, showed the following results: Boric acid, 0.248 per cent; saccharin present; colored with erythrosin. Adulteration was alleged in the first count of the information against this product for the reason that it contained an added poisonous and deleterious ingredient which rendered same injurious to health, to wit, boric acid. On June 11, 1910, shipment was made from the State of Oklahoma into the State of Nebraska of a consignment of ice cream cones, which were adulterated. The product was labeled: "Don't forget we can supply you with Ice Cream Cones in any quantity. They are trade winners. If you have not handled these cones write us for prices. Star Wafer Co." Analyses of two samples of said product, numbered respectively I. S. 616-c and I. S. 614-c, by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: (I. S. No. 616-c) Boric acid turmeric test positive; boric acid, 0.26 per cent; color double dyeing test positive-Naphthol Yellow S. (I. S. No. 614-c) Boric acid-turmeric test positive; boric acid 0.28 per cent; color double dyeing test positive-Naphthol Yellow S. Saccharin declared. Adulteration was alleged in the second count of the infor-

mation against this product, for the reason that it contained an added poisonous and deleterious ingredient which rendered the same injurious to health, to wit, boric acid. On July 16, 1910, shipment was made from the State of Oklahoma into the State of Texas of a quantity of ice cream cones which were adulterated. The product was labeled: "Ice cream cones * * * Star Wafer Co. * * * General office, Oklahoma City, Oklahoma." Analysis of a sample of said product by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Boric acid 0.28 per cent. Saccharin present, coal tar colors negative. Adulteration was alleged in the third count of the information against this product, for the reason that it contained an added poisonous and deleterious ingredient which rendered the same injurious to health, to wit, boric acid or a compound of boron.

On September 18, 1911, the defendant pleaded guilty to each count of the information and was fined \$100 on each count, or a total of \$300, and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 22, 1912.*

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1302.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF STRAWBERRY PRESERVES.

On May 12, 1911, the United States Attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, praying condemnation and forfeiture of 10 thirty-pound pails of strawberry preserves, found on the premises No. 137 Royal Street in the city of New Orleans. The product was labeled, on the side of the pails: "Pure Fruit Preserves—Strawberry—Preserved with 1/10% benzoate of soda—Alonzo A. Knights and Son Corporation, 87 and 89 Commercial St., Boston", and on top of the pails: "30 net Strawberry Preserves with 1/10 of 1% of benzoate of soda—Anthony Fabacher—New Orleans, La."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed it to contain 16 per cent of glucose. The libel alleged that the product, after shipment from the State of Massachusetts into the State of New York and from the State of New York into the State of Louisiana, remained in the original unbroken packages, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged for the reason that said product was represented to be pure, genuine strawberry preserves, when in fact there had been mixed with said preserves 16 per cent of glucose, so as to lower and injuriously affect its quality and strength, and there had been substituted in part for the genuine and pure strawberry preserves, 16 per cent of glucose. Misbranding was alleged for the reason that the statements on the label were false and misleading in this, that they represented the said preserves to be pure, genuine strawberry preserves when, in fact, they were not genuine, pure strawberry preserves, but contained 16 per cent glucose, which fact was not indicated on the labels, and for the further reason that said product was an imitation of, and offered for sale under, the distinctive name of

another article, to wit, genuine, pure strawberry preserves, when in fact it was not such, and the statements on the label were therefore calculated to deceive and mislead the purchaser.

On May 17, 1911, the case coming on for hearing, and Alonzo A. Knights & Son having appeared as claimants and filed answer admitting the misbranding of the product as alleged in the libel, the court entered a decree condemning and forfeiting the product to the United States and ordering its destruction, but with the proviso that the same might be released to the claimants upon the payment by them of all costs and the giving of a good and sufficient bond in a sum to be approved by the court, conditioned that the said product should not be again sold contrary to law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 22, 1912.*

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1303.

(Given pursuant to section 4 of the Food and Drugs Act.)

ALLEGED ADULTERATION AND MISBRANDING OF MILK POWDER.

On May 11, 1911, the United States Attorney for the District of New Jersey, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of three barrels of powdered milk, found in possession of Marfield Chocolate & Cocoa Co., Jersey City, N. J. The product was labeled: "Merrell-Soule blended—to contain at least $27\frac{1}{2}$ per cent butter fat—Merrell-Soule Co.—Merco—food products—Syracuse, N. Y.—Milk Powder, guaranteed by Merrell-Soule Co. under the Food and Drugs Act June 30, 1906, Serial No. 25, Merrell-Soule Co., principal offices, Syracuse, N. Y."

An analysis of a sample of said product was made by the Bureau of Chemistry of the United States Department of Agriculture, and the report thereof indicated that the product contained but 15 per cent of butter fat, and the Secretary of Agriculture therefore reported the product for seizure because of the apparent adulteration and misbranding shown by the report of the above analysis. Subsequent analysis of this and other samples made by the Bureau of Chemistry showed that the product did contain the equivalent of $27\frac{1}{2}$ per cent of butter fat as stated on the label thereof. The libel which had been filed prior to the subsequent findings of the Bureau of Chemistry alleged that the product, after shipment by Merrell-Soule Co., of Frewsburg, N. Y., to the State of New Jersey, remained in the original, unbroken packages, and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration and misbranding were alleged against the product in the libel as follows: "That the said so-called milk powder was and is adulterated within the meaning of the Act aforesaid in that a circular included in each barrel referred to the product as containing $27\frac{1}{2}$ per cent butter fat, whereas in truth and in fact the said product contains but

15 per cent butter fat, and is therefore powdered skim milk. That the so-called milk powder was misbranded in that the labels purported to show that the product contained $27\frac{1}{2}$ per cent butter fat, whereas in truth and in fact the said product contained but 15 per cent of butter fat, and instead of being milk powder as alleged on the label the same was and is powdered skimmed milk." On May 26, 1911, the Merrell-Soule Co. appeared and filed answer to the libel, which answer was subsequently amended, to wit, on June 3, 1911, in which the adulteration and misbranding of the aforesaid product was denied.

The Secretary of Agriculture, upon receipt of the report of the Bureau of Chemistry to the effect that its further investigation disclosed no adulteration or misbranding of the product, so advised the United States Attorney for the District of New Jersey and recommended that the proceedings instituted against the same be dismissed upon the merits of the case.

On June 7, 1911, the case coming on for hearing, and it appearing that the marshal had seized two barrels of said product, the court entered a decree in part as follows: "Upon motion of Edgar F. Brown, Proctor for the said Merrell-Soule Co., and John B. Vreeland, United States Attorney for the District of New Jersey, consenting hereto, it is ordered that said libel be and the same is hereby dismissed upon the merits and the said two barrels of powdered milk be and same are hereby released and possession thereof awarded to the said Merrell Soule Company, said claimant herein."

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 22, 1912.*

